



# **CITY OF EASTVALE PERSONNEL POLICIES AND PROCEDURES MANUAL**

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## TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICIES AND PROCEDURES MANUAL .....	1
INTRODUCTION .....	2
ORGANIZATION.....	3
CHAPTER 1 - EMPLOYMENT .....	4
SECTION 1.1 EQUAL EMPLOYMENT OPPORTUNITY .....	4
SECTION 1.2 POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION .....	4
SECTION 1.3 DISABLED APPLICANTS AND EMPLOYEES.....	10
SECTION 1.4 RECRUITMENT/SELECTION OF EMPLOYEES .....	10
SECTION 1.5 MEDICAL EXAMINATIONS .....	13
SECTION 1.6 NEPOTISM AND CONFLICTING RELATIONSHIPS .....	14
SECTION 1.7 PROBATION.....	17
SECTION 1.8 PERFORMANCE EVALUATION.....	18
SECTION 1.9 CONDUCT DURING THE WORKDAY .....	18
SECTION 1.10 OUTSIDE EMPLOYMENT, ACTIVITY, OR ENTERPRISE / CONFLICT OF INTEREST .....	19
SECTION 1.11 TRAINING OF EMPLOYEES .....	20
SECTION 1.12 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES .....	21
SECTION 1.13 USE OF CAMERAS, VIDEO SURVEILLANCE, AND GPS SYSTEMS.....	21
SECTION 1.14 USE OF CITY TECHNOLOGICAL RESOURCES.....	22
SECTION 1.15 MANAGEMENT PEROGATIVES.....	22
SECTION 1.16 ACCEPTANCE OF GIFTS .....	22
SECTION 1.17 TELECOMMUTING .....	23
SECTION 1.18 EMPLOYEE'S HOME ADDRESS AND STATUS OF DRIVER'S LICENSE – DUTY TO UPDATE.....	25
SECTION 1.19 PERSONAL APPEARANCE, GROOMING AND DRESS CODE .....	25
SECTION 1.20 USE OF CITY SEAL OR CITY OR DEPARTMENT EMBLEMS .....	26
SECTION 1.21 NEWS MEDIA RELATIONS.....	26
SECTION 1.22 ATTENDANCE AND PUNCTUALITY.....	26
SECTION 1.23 TOBACCO, E-CIGARETTE, VAPING POLICY .....	27
SECTION 1.24 OPEN DOOR POLICY .....	27
SECTION 1.25 PERSONNEL RECORDS .....	28

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
SECTION 1.26 GUIDANCE ON EMPLOYEE USE OF SOCIAL MEDIA .....	30
CHAPTER 2 - CLASSIFICATION AND COMPENSATION.....	31
SECTION 2.1 EMPLOYEE CLASSIFICATIONS/AUTHORIZED POSITIONS.....	31
SECTION 2.2 NON-CITY FUNDED EMPLOYEES .....	32
SECTION 2.3 WORKWEEK AND SCHEDULES .....	32
SECTION 2.4 PAYROLL PROCESSING.....	35
SECTION 2.5 REST AND MEAL PERIODS – NON-EXEMPT (HOURLY) EMPLOYEES.....	36
SECTION 2.6 OVERTIME COMPENSATION/COMPENSATORY TIME .....	37
SECTION 2.7 BI-LINGUAL PAY .....	38
SECTION 2.8 TEMPORARY ASSIGNMENTS .....	38
SECTION 2.9 CALL BACK PAY .....	39
SECTION 2.10 ON CALL (STANDBY) PAY .....	39
SECTION 2.11 CAR ALLOWANCE .....	40
SECTION 2.12 PHONE ALLOWANCE.....	40
SECTION 2.13 SALARY AND WAGE SCHEDULES.....	40
SECTION 2.14 ADVANCEMENT WITHIN THE SCHEDULE.....	40
SECTION 2.15 CHANGES IN EMPLOYMENT STATUS .....	41
SECTION 2.16 TRAVEL EXPENSES.....	42
SECTION 2.17 SEVERENCE PAY.....	42
SECTION 2.18 TUITION REIMBURSEMENT .....	41
CHAPTER 3 - EMPLOYEE BENEFITS.....	44
SECTION 3.1 HOLIDAYS.....	44
SECTION 3.2 WINTER HOLIDAY CLOSURE .....	44
SECTION 3.3 INSURANCE BENEFITS .....	45
SECTION 3.4 RETIREMENT BENEFITS .....	46
SECTION 3.5 TEMPORARY PART-TIME EMPLOYEES .....	46
CHAPTER 4 - LEAVE OF ABSENCE .....	47
SECTION 4.1 GENERAL INFORMATION .....	47
SECTION 4.2 VACATION .....	48
SECTION 4.3 SICK LEAVE.....	49

## TABLE OF CONTENTS

(continued)

	Page
SECTION 4.4 FAMILY CARE AND MEDICAL LEAVE; PREGNANCY DISABILITY LEAVE/TRANSFER; MILITARY FAMILY LEAVE; NEW PARENT LEAVE.....	51
SECTION 4.5 CIVIL AIR PATROL LEAVE .....	52
SECTION 4.6 CRIME VICTIMS' LEAVE.....	52
SECTION 4.7 VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT.....	52
SECTION 4.8 MILITARY LEAVE.....	52
SECTION 4.9 ORGAN AND BONE MARROW DONATION LEAVE.....	53
SECTION 4.10 SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE .....	53
SECTION 4.11 VOLUNTEER FIREFIGHTERS, RESERVE PEACE OFFICERS, AND EMERGENCY RESCUE PERSONNEL LEAVE .....	54
SECTION 4.12 VOTING LEAVE.....	54
SECTION 4.13 LEAVE OF ABSENCE WITHOUT PAY .....	54
SECTION 4.14 JURY DUTY OR WITNESS APPEARANCE LEAVE .....	55
SECTION 4.15 MANAGEMENT LEAVE.....	55
SECTION 4.16 BEREAVEMENT LEAVE .....	55
CHAPTER 5 - EMPLOYEE CONDUCT, DISCIPLINE AND DISCIPLINARY APPEALS .....	56
SECTION 5.1 GENERAL POLICY STATEMENT .....	56
SECTION 5.2 TYPES OF DISCIPLINARY ACTIONS.....	56
SECTION 5.3 GROUNDS FOR DISCIPLINARY ACTION .....	56
SECTION 5.4 DISCIPLINING AUTHORITY.....	59
SECTION 5.5 MAJOR AND MINOR DISCIPLINE .....	59
SECTION 5.6 DISCIPLINARY PROCEDURES APPLICABLE TO MAJOR AND MINOR DISCIPLINE .....	59
SECTION 5.7 APPEAL PROCEDURES .....	61
SECTION 5.8 PROCEDURES GOVERNING NAME CLEARING HEARINGS .....	64
SECTION 5.9 PLACEMENT ON PAID ADMINISTRATIVE LEAVE PENDING DETERMINATION OF DISCIPLINARY ACTION.....	64
SECTION 5.10 TIME EXTENSIONS .....	64
SECTION 5.11 DELIVERY OF NOTICES .....	64
SECTION 5.12 DISCIPLINARY RECORDS .....	65
CHAPTER 6 - EMPLOYEE SAFETY .....	66
SECTION 6.1 DRUG- AND ALCOHOL-FREE WORKPLACE .....	66
SECTION 6.2 EMPLOYEE SAFETY .....	66

## TABLE OF CONTENTS

(continued)

	Page
SECTION 6.3 REPORTING OF INJURY AND ACCIDENTS .....	67
SECTION 6.4 EMERGENCIES .....	69
SECTION 6.5 VEHICLE USAGE .....	70
SECTION 6.6 ANTI-VIOLENCE POLICY .....	72
CHAPTER 7 - SEPARATION FROM EMPLOYMENT .....	74
SECTION 7.1 RESIGNATION .....	74
SECTION 7.2 LAYOFF .....	74
SECTION 7.3 ABANDONMENT OF EMPLOYMENT .....	76

<b>ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICIES AND PROCEDURES MANUAL</b>
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Each employee shall verify that he/she has been given a copy of this manual. The acknowledgement shall be dated and signed by the employee and the original maintained in the employee's personnel file.

**ACKNOWLEDGEMENT OF RECEIPT**

I have been given a copy of the City of Eastvale's Personnel Policies and Procedures Manual. This Manual applies to all employees of the City and to others as indicated.

I understand that it is my responsibility to read the Manual and to comply with its provisions.

I further understand that the Manual contains important information governing my employment with the City of Eastvale, including regulations and obligations that are expected of me as a City employee. Furthermore, I understand that I am obligated under the California Constitution that I am declared to be a Disaster Service Worker, as outlined in Government Code 3102, and as further defined in this Manual under Section 2.1, Paragraph K.

I understand that my failure to comply with these policies may result in disciplinary action, up to and including termination. If I have questions concerning these policies, I will bring them to the attention of my supervisor, department head, or City Manager.

I understand that because it is not possible to anticipate every situation that may arise in the workplace and because laws and programs change, the City reserves the right to modify, supplement, rescind, or revise any provisions of this Manual (other than the employment at-will provisions and provisions compelled by law), at any time as it deems necessary or appropriate in its sole discretion.

I understand that nothing in this Manual is intended to create a contract of employment with the City, or to create an expectation of continued employment for any specified term.

I understand that the original of this acknowledgement of receipt will be placed in my personnel file.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Employee's Name

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<b>INTRODUCTION</b>
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This Manual applies to all employees of the City and to others as indicated. An “employee” is generally defined as an individual whose work is within the usual course of the City’s business, and directed and controlled, or is subject to the direction or control, by the City with respect to the final results of the work and the details of when, where and how the work is to be done. This Manual contains Employment Policies of the City of Eastvale. Each City employee is responsible for knowing and understanding its contents. In addition, each City employee is responsible for knowing, understanding, and adhering to any specific departmental policy.

Except as otherwise provided, any duties, responsibilities, powers, and authority granted by this Manual or the Personnel Ordinance to any person may be delegated, in writing, to another employee at the discretion of the delegating individual.

Nothing in this Manual shall be deemed to create a vested contractual right for any employee.

Amendments and revisions shall become effective upon adoption by the City Council, or at a later date specified by the City Council when adopting the amendments and revisions.

In the event of a conflict between this Manual and an Administrative Policy or a Department’s policy or procedure, this Manual shall control.

When any local, state, or federal ordinance, regulation, or law that is incorporated in this Manual or upon which this Manual relies is amended, this Manual shall be deemed amended in conformance with those amendments.

If any section, subsection, sentence, clause, or phrase of this Manual is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of this Manual.

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<b>ORGANIZATION</b>
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The City of Eastvale was incorporated as a City on October 1, 2010. The City is governed by a City Council, consisting of five (5) persons, each elected for a term of four (4) years. The City Council generally meets twice a month, on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month, unless otherwise directed by the City Council.

The City Council adopts policies and specifies what City services are to be provided to City residents. Some of the services that the City provides includes public safety services (Police and Fire), Building and Safety Services, Animal Control, Planning and Public Works.

The City Council's policies are implemented by the City Manager, who is directly responsible to the City Council for the administration and implementation of the Council policies and priorities. To assist the City Manager, the City employs a staff of administrative, technical and field personnel. The City further utilizes contractors to provide a number of City services. Contractors are not City employees.

The City's activities and services are divided into functional departments, with Department Heads assigned to each department.



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## **CHAPTER 1 - EMPLOYMENT**

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### **SECTION 1.1 EQUAL EMPLOYMENT OPPORTUNITY**

The City is an equal opportunity employer and makes employment decisions on the basis of merit. The City wants to have the best available persons in every job. The City's policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices) marital status, registered domestic partner status, age over 40, national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), ancestry, physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding or related medical condition), genetic information, sexual orientation, military and veteran status or any other protected characteristic under federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics, and any other basis protected by federal, state or local law or ordinance or regulation ("a protected category"). The City is committed to treating all employees equally and fairly regardless of these actual or perceived characteristics or associations. All such discrimination is prohibited. This policy applies to all City employees including management personnel, applicants, interns, volunteers and persons providing services pursuant to a contract.

### **SECTION 1.2 POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION**

The City of Eastvale maintains a strict policy prohibiting discrimination, harassment, and retaliation in accordance with State and Federal law. This policy applies to all City employees including management personnel, applicants, interns, volunteers and persons providing services pursuant to a contract.

#### **1.2.1 Statement of Policy**

It is the policy of the City of Eastvale to treat its employees and volunteers with respect and dignity, and to provide a work environment free of discrimination and harassment based on a protected characteristic. The City therefore prohibits all forms of harassment and discrimination in the workplace including verbal, physical, and visual harassment based on participation in a protected group including race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices) marital status, registered domestic partner status, age over 40, national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), ancestry, physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding or related medical condition), genetic information, sexual orientation, military and veteran status or any other consideration protected by federal, state, or local laws (collectively referred to as "protected characteristics"). It also prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics, and any other basis protected by federal, state or local law or ordinance or regulation ("a protected category"). All such harassment and discrimination is

prohibited.

The City has zero tolerance for any conduct that violates this Policy. Conduct need not to rise to the level of a violation of law to violate this Policy. A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

Employees can raise good faith concerns, report problems, or make complaints without fear of reprisal of any kind (see Section 1.2.4 - Procedure below). Anyone found to be engaging in any type of discrimination or harassment will be subject to appropriate corrective action, up to and including termination.

Management employees, regular full-time, regular part-time and temporary part-time City employees, contract employees, interns or volunteers who permit or engage in such harassment or fail to take appropriate steps to report such conduct may be subject to prompt and appropriate disciplinary action up to and including termination.

### **1.2.2 Harassment, Discrimination, and Retaliation**

**Discrimination:** This Policy prohibits treating covered individuals differently or adversely because of the individual's protected characteristic, actual or perceived; because the individual associates with a person with a protected characteristic, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

**Harassment:** May include, but is not limited to, the following types of behavior that is taken because of a person's protected characteristic and that creates an intimidating, offensive, or hostile work environment or that interferes with work performance of an employee. Such conduct constitutes harassment when:

- a. Submission to the conduct is made either an explicit or implicit condition of employment, or an unpaid internship or volunteer program;
- b. Submission to or rejection of the conduct is used as the basis for an employment decision, or any decision related to an unpaid internship or volunteer program; or
- c. The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public.

Harassment can include, but is not limited to, the following types of conduct:

- a. **Speech:** Such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected characteristic. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- b. **Physical Acts:** Such as assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement. This

includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

- c. Visual Insults: Such as derogatory posters, cartoons, e-mails, pictures or drawings related to a protected classification.

Sexual Harassment: Sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature may all constitute sexual harassment when: (1) submission to such conduct is made a term or condition of employment, an unpaid internship, or volunteer program; or (2) submission to or rejection of such conduct is used as basis for employment decisions, or any decision relating to an unpaid internship or volunteer program, affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. This definition includes potential forms of offensive behavior. The following is a non-exclusive list of some examples:

- a. Unwanted sexual advances.
- b. Offering employment benefits in exchange for sexual favors.
- c. Making or threatening reprisals after a negative response to sexual advances.
- d. Visual conduct, such as leering, making sexual gestures, displaying of sexually explicit jokes, comments about an employee's body or dress.
- e. Verbal sexual advances or propositions.
- f. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
- g. Physical conduct, such as touching, assault, impeding, or blocking movements.
- h. Retaliation for reporting harassment or threatening to report harassment.
- i. Electronic communications such as email, texts, or internet use that violate this policy.

Sexual harassment can occur between members of the same or opposite sex and need not be motivated by sexual desire or attraction. Sexual harassment can be based on pregnancy, child birth, or related medical conditions where such conduct unreasonably interferes with the employee's work performance, affect or impact an employee's terms and conditions or privileges of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for the City.

Retaliation: Any adverse conduct taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" includes but is not limited to disciplinary action, counseling, taking sides because an individual has reported harassment or

discrimination, spreading rumors about a complainant or about someone who supports or assists the complainant, shunning or avoiding an individual who reports harassment or discrimination, or making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Protected Activity: This Policy prohibits discrimination, harassment and retaliation because of an individual's protected activity. Protected activity includes, but is not limited to: making a request for an accommodation for a disability; making a request for accommodation for religious beliefs; making a complaint under this Policy; opposing violations of this Policy; or participating in an investigation under this Policy.

### 1.2.3 Guidelines for Identifying Harassment

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

- Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected characteristic.
- It is no defense that the recipient "appears" to have "consented" to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third person who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected characteristic, and if an individual of the recipient's same protected characteristic would find it offensive (e.g., gifts, over attention, endearing nicknames).

### 1.2.4 Bullying

In addition to the foregoing, the City prohibits abusive or "bullying" conduct by its supervisors, employees, contractors, customers, unpaid interns, volunteers, or vendors. The City defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others at the place of work and/or in the course of employment." Such behavior violates City Policy. The City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the

behavior upon the individual that is important. The City considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

All such conduct violates City policy.

#### 1.2.5 Procedure for Complaint Resolution

- a. Any acts of discrimination, harassment, retaliation, or bullying should be reported immediately verbally and/or in writing to any of the following:
  - i. Immediate supervisor
  - ii. Any supervisor or manager within or outside of the department
  - iii. Department Director
  - iv. City Manager

There is no requirement that employees follow the chain-of-command when reporting potential violations of this Policy. Employees may utilize the Employee Complaint Form, included in the Appendix of this manual to file a complaint.

The complaint should be as detailed as possible, and must include details of the incident(s), names of individuals involved, and the names of any witnesses. Any supporting documentary evidence should be attached to the complaint.

- b. Any supervisor who receives a complaint of discrimination, harassment, retaliation, or bullying, is required to immediately notify the City Manager, who will then investigate complaints or cause an investigation to be conducted in a prompt and timely manner. Any individuals who have knowledge of conduct or information regarding the matter shall be interviewed.
- c. The City takes a proactive approach to potential policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

- d. Employees may be placed on a leave of absence, or be subject to other intermediary measures, until the conclusion of the investigation. The City will also take reasonable steps to protect the complainant from harassment, discrimination or retaliation.
- e. The City Manager shall take prompt corrective action to eliminate any harassing behavior to address the effects on the person subjected to the harassment and to prevent any further instances of harassment. This may consist of disciplinary action up to, and including, dismissal or termination of employment services, training or other remedial actions.
- f. Each manager is responsible and legally liable for setting a positive example of appropriate behavior in the work place and for ensuring a work environment free of harassment.
- g. Any employee filing an intentionally false claim shall be subject to disciplinary action.

#### **1.2.6 Retaliatory Behavior**

The City prohibits retaliation against individuals who raise complaints of discrimination, harassment, or retaliation, who participate in workplace investigations, or who engage in other protected activity. No retaliatory behavior of any kind shall be tolerated, and such behavior may result in separate disciplinary action, up to and including termination.

#### **1.2.7 Confidentiality**

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective corrective or other remedial action. As a result, confidentiality will be maintained to the extent possible and the City will take all reasonable steps available to maintain the confidentiality of all complaints of harassment, discrimination, and/or retaliation as well as all information gathered during an investigation. However, the City retains sole discretion to determine whether disclosure of information is necessary to complete the investigation or for other legitimate purposes. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the City Manager. Individuals involved in the investigation may be ordered to keep certain information related to the investigation confidential, and any individual who violates such an order will be subject to corrective or other appropriate action. The City will not disclose a completed investigation report except as it deems necessary to support a corrective action, to take other remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

#### **1.2.8 Anonymous Complaints**

While the City will investigate anonymous complaints, the City strongly discourages anonymous complaints. EMPLOYEES CHOOSING TO FILE A COMPLAINT ANONYMOUSLY MUST BE AWARE THAT ANONYMITY IN THE COMPLAINT PROCEDURE MAY COMPROMISE THE CITY'S ABILITY TO COMPLETE A THOROUGH INVESTIGATION. Employees should also be aware that should the City learn of the identity of an anonymous complainant, the City cannot

guarantee that his/her identity will remain confidential, if the City determines in its discretion that disclosure is necessary to complete the investigation. Information on how to lodge anonymous complaints will be posted in the employee break area.

#### **1.2.9 Option to Report to Outside Administrative Agencies**

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process and can be contacted as follows:

EEOC: Los Angeles District Office, 255 East Temple, 4th Floor, Los Angeles, California, 90012; 800-669-4000/800-669-6820 (TTY) or 213-894-1000; [www.eeoc.gov](http://www.eeoc.gov).

DFEH: Los Angeles Office, 320 West 4th Street, 10th Floor, Los Angeles, California 90013; 800-884-1684/800-700-2320 (TTY) or 916-478-7251; [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

### **SECTION 1.3 DISABLED APPLICANTS AND EMPLOYEES**

The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and disciplinary action) will not discriminate against disabled employees.

The City will engage in the interactive process, as defined by the Americans with Disabilities Act (“ADA”) and the Fair Employment and Housing Act (“FEHA”), to determine whether an applicant or employee is able to perform his/her essential functions. During this process, the City will examine possible reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant’s health care provider.

Reasonable accommodation can include, but is not limited to, job restructuring or reassignment to a vacant position for which the employee is qualified. Examples of accommodations that are considered unreasonable include, but are not limited to promotion, the creation of a new position, or the reassignment of essential functions of the position.

While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave

### **SECTION 1.4 RECRUITMENT/SELECTION OF EMPLOYEES**

All persons considered for employment with the City of Eastvale shall be qualified to perform the duties of the position for which they may be employed. No individual who has served as an elected or appointed member of a legislative body of the City will be considered for employment with the City unless that individual is no longer serving as an elected or appointed official of the City and a period of one year has passed since their service as an elected or appointed official terminated.

As set forth in greater detail below, all new employees may, depending upon the job applied for,

be required to undergo fingerprinting, background check, medical and/or psychological exams, polygraphs, and pre-employment drug testing before reporting for work. All employees shall be required to sign an Oath of Office pursuant to State law.

All new employees must provide and maintain necessary documentation to prove identity and the right to work in the United States in accordance with Federal and State Immigration and Naturalization laws (per I-9 Form). Failure to provide such documentation will result in disqualification from selection and/or grounds for immediate termination.

These steps establish a procedure for all phases of the employment process for full and part-time employees. The City Manager, or designee, will administer and coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal and equal employment opportunity requirements. All such hiring efforts are conducted in the spirit of equal opportunity and non-discrimination.

All full-time and part-time City appointments and promotions shall be based on merit and fitness and will be determined by the results of any or all of the following testing procedures: written test, practical skills examination, and/or oral interview.

#### **1.4.1 Internal Recruitment**

The City Manager, or designee, may first consider recruitment from within the City. Recruiting from within the City is considered an internal recruitment and must be recommended by the Department Head and approved by the City Manager.

It is the policy of the City of Eastvale to recruit from within the City organization whenever feasible and consistent with the City's interests of developing and retaining talent. Job-flyers will be prepared and disseminated to employees informing them of current openings, and qualified employees are encouraged to apply.

Full-time and part-time employees interested in internal opportunities shall follow the procedures below:

- a. Employee(s) should provide a completed City Employment Application and written statement of interest in the available position and submit it to the City Manager, or designee, by the position's stated closing date. The statement of interest should include appropriate documentation of related experience and qualifications. A supplemental questionnaire may also be required, as noted on the job flyer.
- b. The City Manager, or designee, will notify the employee(s) if he/she will be interviewed or tested for the position.
- c. After successfully completing the selection process, and upon the City Manager's approval, the selected employee(s) will be notified of their appointment to the position(s).

#### **1.4.2 Open Recruitment**

If an internal recruitment is not recommended or approved, the City Manager, or designee, will



seek candidates through a recruitment open to internal and external candidates.

The City Manager or designee will determine the best method for seeking candidates through open recruitment, including, but not limited to any of the following procedures: job announcements in print and online, mailing lists and/or advertisements through professional associations and related outreach.

#### **1.4.3 Examination Process**

Examinations shall be conducted to assist with the selection of qualified candidates. Test selection techniques will examine the qualifications of the candidates. Tests may include, but are not limited to, achievement and aptitude tests, written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these. The probationary period is considered as a portion of the examination process. All examinations given will be job related and designed to determine a candidate's knowledge, skills, and abilities to perform the essential job functions.

Pre- employment physical, medical, psychological, drug and alcohol tests may be given as part of any examination if required for performing the essential job functions. Any such examinations will be performed only after a conditional offer of employment has been made.

The City Manager, or designee, will ensure that all examination results remain confidential and that the examination process appropriately accommodates candidates with disabilities.

#### **1.4.4 Interview Process**

The employment interview is a significant part of the selection process. The interviewer's function is to discover a candidate's knowledge, skills, and abilities to perform the essential job functions. Certain guidelines must be observed to ensure compliance with State and Federal laws and to maximize the reliability of the interview process.

Interview questions must be job-related and designed to measure a candidate's job knowledge, experience and education necessary to perform the essential job functions.

All interview panel members, if utilized by the City Manager, will be informed of the position responsibilities and requirements and each panel member must independently rate candidates using an objective measurement scale developed by the City.

Only the most highly rated candidate (s) will be considered for final evaluation and review.

#### **1.4.5 Reference and Background Check**

Before an offer of employment is extended, the City shall conduct a reference and background check on any candidate. The purpose of the reference check is to verify prior employment duties, dates of employment, performance record, attendance record, and any other pertinent information.

#### **1.4.6 Criminal Conviction History**

The City will not ask any applicant for employment to disclose, through any written form or

verbally, at any time, information concerning an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or post-trial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, including, but not limited to, Penal Code sections 1203.4, 1203.4a, 1203.45, and 1210.1.

Unless otherwise required by law, the City will not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, until the City has issued a conditional offer of employment. The job announcement for the position in question will advise whether a lawful exception to this provision applies, such as for positions subject to the stringent requirements of Public Resources Code section 5164.

#### **1.4.7 Rejection**

The City may reject an applicant, at any point in the recruitment or hiring process, under any of the following circumstances:

- a. The application shows on its face that the applicant does not possess the minimum qualifications required for the position.
- b. The application shows on its face that the applicant is physically or psychologically restricted from performing the essential functions of the position applied for, and the City determines that no reasonable accommodation can be made for such medical restrictions in the position applied for.
- c. The application shows on its face that the applicant is currently addicted to the habitual excessive use of drugs or alcohol.
- d. The applicant has made a false statement of material fact or practiced any deception or fraud in the application process.
- e. The applicant is not legally permitted to work with the United States.

Defective applications, such as those that are incomplete or unsigned, may be returned to the applicant with an opportunity to cure the defect, so long as the time limit for receiving applications has not yet expired. Applications that remain defective following expiration of that time limit will be rejected.

#### **1.4.8 Candidate Notification**

After references are verified and a final decision is reached, the City will notify the selected candidate, in writing, and make an employment offer, contingent upon passing required health screening as defined in Section 1.5 below. When a candidate accepts an employment offer, all other candidates, if any, will be notified in writing that they were not selected for the position.

### **SECTION 1.5 MEDICAL EXAMINATIONS**

Depending on the essential functions of a position, a medical examination may be required for:

- a. Applicants who have received a conditional offer of employment;

- b. Employees seeking a promotion, demotion, or transfer from one position requiring general physical abilities to another position requiring physical abilities of a different nature;
- c. Employees returning to work from a medical leave of absence. The physician conducting the medical examination will be supplied with a current job description identifying the essential functions of the position;
- d. Employees for whom a supervisor reasonably suspects, based on personal observation or reliable reports, a lack of fitness for duty.

The results of all medical examinations will be kept confidential and in a separate medical file from the general personnel file.

No person may hold any position in which or she is not able to perform the essential functions of the position, with or without reasonable accommodation.

The City will consider reasonable accommodation on a case-by-case basis.

## **SECTION 1.6 NEPOTISM AND CONFLICTING RELATIONSHIPS**

### **1.6.1 Purpose and Scope**

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, and other actual or potential conflicts of interest by or between employees of the City.

### **1.6.2 Definitions**

- a. Applicant - A person who applies for a position at the City and is not a Current Employee.
- b. Relative – An employee's parent, step-parent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling (by blood or marriage) or grandparent (by blood or marriage).
- c. Personal Relationship – includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship, as well as being a relative, as defined in this policy.
- d. Business Relationship – serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.00.
- e. Conflict of Interest – any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

- f. Supervisor - an employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee. For purposes of this policy, supervisor can include a functional supervisor, such as a lead worker, crew leader, or shift supervisor.
- g. Subordinate – an employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

#### **1.6.3 Restricted Duties and Assignments**

While the City will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply:

- a. Employees are prohibited from directly training, supervising, occupying a position in the line of supervision, or being directly trained or supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - i. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to refer matters involving the involved employee to an uninvolved supervisor.
  - ii. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- b. Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

#### **1.6.4 Supervisor's Responsibility**

Upon being notified of, or becoming aware of, any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisor shall also promptly notify the City Manager of such actual or potential violations through the chain of command.

#### **1.6.5 Employee's Responsibility**

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify a Talent

Attraction and Development representative to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

#### **1.6.6 Guidelines for Current Employees**

Employees must report a change of status that will result in a personal or business relationship to a Talent Attraction and Development representative within a reasonable time after the effective date of the change of status. Wherever feasible, employees must report a change of status in advance of the effective date.

A Talent Attraction and Development representative will undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the personal or business relationship has the potential for creating an adverse impact on supervision, safety, security, or morale.

The Talent Attraction and Development representative will consult with an affected Department Head to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.

Notwithstanding the above provisions, the City retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action.

The Talent Attraction and Development representative will issue a written decision within 30 days from receipt of notice of a Change of Status

#### **1.6.7 Applicants for Employment**

- a. Right to Apply. No qualified Applicant may be denied the right to submit an application for employment and complete in the examination process. However, consistent with this Section, the City may reasonably regulate, condition, or prohibit the employment of an Applicant for a position.
- b. Disclosure of Relationship. Each Applicant is required to disclose the identity of any person in a personal relationship who is a Current Employee.
- c. Review by Talent Attraction and Development Representative. For each Applicant who has a personal relationship with a Current Employee, a Talent Attraction and Development representative will assess and issue a written decision as to whether any of the following circumstances exist:
  - Business reasons of supervision, safety, security or morale warrant the City's refusal to place the Applicant under Direct Supervision by the Current Employee; or
  - Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for persons in a personal relationship than for other employees, which warrant the City's refusal to permit employment of persons in a personal relationship in the same department, division, or facility.

- d. Effect of Decision of the Talent Attraction and Development Representative. If the Talent Attraction and Development representative determines that either of the above circumstances exists, the Talent Attraction and Development representative may either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.

#### **1.6.8 Appeal of Decision by Talent Attraction and Development Representative**

Current Employees and Applicants affected by the application of this Section may appeal the action to the City Manager within five days of receipt of the Talent Attraction and Development representative's decision.

The City Manager will hear the individual's concerns and issue a written decision within 30 days of the receipt of the individual's appeal. The decision of the City Manager is final, and no other appeal may be had unless the Current Employee is entitled to further administrative appeal under other provisions of these Rules.

### **SECTION 1.7 PROBATION**

The probationary period is an integral part of the employment process and provides the opportunity to observe the employee's work and assist the employee's adjustment to the new position. During the initial probation period, the probationary employee will have no rights of tenure, and may be terminated without cause either during or at the end of the probation period. Regular full-time and regular part-time employees are subject to the probationary period.

#### **1.7.1 Duration**

- a. All newly hired, full-time regular employees and regular part-time employees are subject to at least a twelve (12) -month probation period.
- b. All promoted employees are subject to at least a twelve (12) -month probation period.
- c. Employees reclassified to a position in accordance with a re-evaluation of the minimum qualifications, duties and responsibilities of the position in question and where the employee has assumed those duties and responsibilities shall not be subject to any probationary period.
- d. The twelve (12) -month probation period for promoted and full-time regular and part-time regular employees will begin on the first day of the promotion or hire date.
- e. At-will management employees are exempt from any probationary period.

#### **1.7.2 Extensions**

- a. Prior to the end of any probation period, the probation period may be extended by a maximum of twelve (12) additional months with the approval of the City Manager, or designee.

- b. Periods of time off work during unpaid absences will automatically extend the probationary period by the number of days of the absence. Further, periods of time on paid leave exceeding 20 consecutive working days will extend the probationary period by a corresponding number of days.
- c. The employee will be notified in writing of such an extension.

### **SECTION 1.8 PERFORMANCE EVALUATION**

The purpose of the performance evaluation is to accurately assess the employee's overall job performance, and to set goals with the employee that further job knowledge and enhance skills and abilities.

All new full-time regular employees, regular part-time employees and promoted employees will receive a comprehensive performance evaluation from their immediate supervisor at the end of the first full year of employment/promotion. Thereafter, performance evaluations will be given annually. The evaluation period may be extended if the employee takes a leave of absence. New employees may receive an optional performance evaluation during the probationary period, generally six (6) months after the hire date at the City Manager's discretion. In the event more than one (1) person supervises an employee, all supervisors are required to participate in the performance evaluation process. In conjunction with his/her evaluation, the employee may be eligible for a merit increase.

Those at-will management positions may receive an optional performance evaluation at the City Manager's discretion.

Performance evaluations will be prepared on a City performance evaluation form, discussed with the employee, and placed in the employee's personnel file where it can be examined by the employee at reasonable times upon request. An employee may receive additional performance appraisals from time to time whenever it is considered appropriate by the employee's supervisor(s). Employees will be required to submit their self-evaluation, accomplishments and goals to their supervisor, prior to the preparation of the performance evaluation.

Performance evaluations are required and necessary, and it is a supervisor's responsibility to give performance evaluations when they are due, even if a potential merit increase is not involved.

An employee may file a written response to a performance evaluation, regardless of the overall rating, within thirty (30) working days, which will be placed with the evaluation in the employee's personnel file. The written response shall be prepared by the employee on their own time. City time and resources may not be used to prepare the written response. There is no requirement for management to respond in writing to the employee's written response. This process shall constitute the appeal procedure for performance evaluations, and no further appeal or grievance may be had.

### **SECTION 1.9 CONDUCT DURING THE WORKDAY**

During the workday, employees are expected to devote their full time in the performance of their assigned duties. Any approved outside work, part-time job, hobbies, or personal business must be performed during off duty hours. Off duty hours include unpaid lunch break periods, but do

not include other rest or break periods during which the employee continues to receive pay.

**SECTION 1.10 OUTSIDE EMPLOYMENT, ACTIVITY, OR ENTERPRISE / CONFLICT OF INTEREST**

As a public agency, the City must be particularly sensitive to real, potential, or perceived conflicts of interest. The City expects all employees to adhere to the highest ethical and professional standards. City employees are employed on the condition that employment with the City is their primary employment and that they shall not engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible or in conflict with his/her duties, functions or responsibilities as a City employee. The purpose of this policy is to establish guidelines for City employees regarding dual employment or outside activities that may conflict with City employment.

No City employee shall lend his/her name as an employee of the City to any commercial or business enterprise. No employee shall approve or utilize the name, uniform or prestige of the City, or any City department, for any such purpose. Because of their knowledge and expertise, outside employment or other income opportunities may become available to City employees. If an employee is considering such an opportunity, he or she must fully disclose the employment opportunity to the City and to have it carefully reviewed to avoid conflict of interest. Failure to disclose potential business opportunities that create a conflict of interest is grounds for disciplinary action up to and including termination.

Employees shall notify the City Manager in writing if they are considering the following:

- a. Simultaneous employment by any other employer;
- b. Participation in an outside business on their own or with others;
- c. Involvement in any other outside activity where they receive any form or amount of compensation.

The City Manager or designee shall determine if a conflict exists. If a conflict of interest or scheduling problem exists, the City may terminate the employee's City employment unless the employee elects to resign from the other employment or outside activity.

An employee's outside employment, activity or enterprise may be prohibited if it:

- a. Involves the use of City time, facilities, equipment and supplies, the badge, uniform prestige or influence of his/her City department or employment for private gain or advantage.
- b. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her duties as a City employee.
- c. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject directly or indirectly to the control,



inspection, review or audit, or enforcement of any other employee to the department by which he/she is employed.

- d. Involves such time demands as would render performance of his/her duties as a City employee less efficient.

Procedure for obtaining approval:

- a. The employee shall request authorization of outside employment from the City Manager, or designee by completing the Authorization for Outside Employment Form prior to entering into the requested outside employment.
- b. The City Manager shall authorize outside employment in accordance with this policy. In the event a request for outside employment is denied, written comments will be provided to the employee.
- c. The City Manager or designee shall furnish the requesting employee a copy of the Authorization for Outside Employment indicating approval/denial and forward a copy to the employee's personnel file.

Every public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability. It provides necessary information to the public about an employee's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances, and it serves as a reminder to the employee of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest. The City shall determine positions which fall under the above requirements and notify employees accordingly for submittal of initial and annual statements.

## **SECTION 1.11 TRAINING OF EMPLOYEES**

### **1.11.1 Policy**

- a. All employees of the City are eligible to request specialized training such as conferences, seminars, special courses, etc. at the City's expense when job related, and where such training also provides a benefit to the City. Training programs may include lectures, courses, demonstrations, webinars, professional association sponsored meetings, or such other examples for the purpose of improving the effectiveness and increasing the knowledge of employees in the performance of their respective duties.
- b. Participation and approval for training shall be subject to the limitations of the City's budgeted resources. The City Manager, Department Heads, and Supervisors shall strive to ensure that employee training resources are distributed in an equitable manner, while taking into consideration the business necessity of the City for achieving various training needs. Costs associated with training may include registration, lodging, meals, and transportation, on a case-by-case basis. Means of transportation will be recommended and approved by

the City Manager in accordance with the City's administrative policies on Travel and Reimbursement, as they may be amended from time to time.

**1.11.2 Procedure**

- a. Employees must submit a request for training to their supervisor and include sufficient explanation/documentation to support the training need (summary of course content, and how the training/membership will benefit the employee and the employee's department.
- b. Allow sufficient lead time when submitting requests for review and approval process, and for making travel arrangements, if necessary.
- c. Employees will be notified by their supervisor of either approval or denial of the request.

**1.11.3 Mandatory Training**

- a. As part of general orientation, each newly-hired employee will be scheduled to participate in Sexual Harassment Prevention training within six (6) months of hire.
- b. Supervisors shall participate in at least one (1) two (2)-hour Sexual Harassment Prevention training class every two (2) years, except that newly-appointed supervisors shall participate in such training within six (6) months of appointment.
- c. Non-supervisory employees shall participate in at least one (1) one (1)-hour Sexual Harassment Prevention training class every two (2) years, except that newly-appointed employees shall participate in such training within six (6) months of appointment.
- d. Employees and supervisors may be required to attend other mandatory training periodically as determined by the City Manager.

**SECTION 1.12 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES**

The political activities of City employees are governed by the provisions of Government Code Section 3201, et. seq. In addition and pursuant to Section 3201, City employees are not permitted to participate in any political activity while in the uniform of his/her employment unless on official City business. Further, City employees are not permitted to conduct or engage in any political activity or purpose during those hours that he/she should be discharging the duties of his/her position.

**SECTION 1.13 USE OF CAMERAS, VIDEO SURVEILLANCE, AND GPS SYSTEMS**

The City utilizes video surveillance and camera systems in the workplace for business purposes including the safety and security of employees. Such cameras and video systems are located in open areas and lobbies. Employees do not have an expectation of privacy related to the City's use of these cameras and video surveillance.

The City also maintains GPS devices on all City vehicles. Employees do not have an expectation of privacy related to the City's use of these GPS devices.

#### **SECTION 1.14 USE OF CITY TECHNOLOGICAL RESOURCES**

City employees shall adhere to the City's administrative policy on Use of City Technological Resources, as such administrative policy may be amended from time to time.

#### **SECTION 1.15 MANAGEMENT PEROGATIVES**

The City retains, whether exercised or not, solely and exclusively, all express and inherent rights and authorities with respect to determining the level of, and the manner in which, the City's activities are conducted, managed and administered. These management rights include, but are not limited to the following:

- a. The right and authority to schedule work and/or overtime work.
- b. The right to direct work. An employee's job description does not restrict the type of work to which the employee can be assigned.
- c. The right to discipline or to discharge employees, where applicable, subject to the procedures set forth in these Rules.
- d. The right to determine assignments and to establish methods and processes by which assignments are performed.
- e. The right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City.
- f. To evaluate employees and to schedule when an employee's performance evaluation will occur.
- g. The right to determine the compensation and benefits that will be paid or provided to employees.
- h. The right to make employment decisions.

#### **SECTION 1.16 ACCEPTANCE OF GIFTS**

Employees shall adhere to the Political Reform Act and Fair Political Practices Commission (FPPC) regulations with respect to the acceptance and reporting of gifts, and with the City's administrative on Ticket and Pass Distribution, as it may be amended from time to time.

Employees shall not accept compensation of any sort from anyone other than the City as consideration for the performance of an act which the employee would be required or expected to render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee.

Employees who are designated under the Political Reform Act and the City's Conflict of Interest Code to provide an economic interest disclosure shall submit the required FPPC Form 700 upon entering office, annually, and upon exiting office, under the direction and coordination of the City

Clerk, or designee.

## **SECTION 1.17 TELECOMMUTING**

Telecommuting may be appropriate for some employees and jobs, but not for others. Telecommuting is not an entitlement, it is not a City-wide benefit, and it in no way changes the terms and conditions of employment with the City of Eastvale. Participation in telecommuting may be mutually agreed to by the employee and their Director/Manager. A Telecommuting Agreement must be executed by the employee and City prior to the commencement of telecommuting. The City Manager must approve the Telecommuting Agreement before telecommuting begins.

### **1.17.1 Requests**

Telecommuting provides employees with an opportunity to work from an alternative work environment instead of in the City's primary location, generally City Hall. If an employee wishes to request a Telecommuting Agreement he/she should contact their Director/Manager to discuss and explore the feasibility of such an arrangement. Before entering into the Telecommuting Agreement, the employee and Department Director/Manager, with the assistance of the Talent Attraction and Development Department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability.** The employee and Director/Manager will assess the needs and work habits of the employee, The Department Director/Manager may require an employee to telecommute in order to meet the needs of the City.
- **Job responsibilities.** The employee and Director/Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement. Exceptions may be made to facilitate emergency situations (such as a pandemic event) as determined by the Department Director/Manager.

### **1.17.2 Authority**

Telecommuting must be pre-approved by the City Manager and cannot be initiated without a Telecommuting Agreement from the Talent Attraction and Development Department. The City Manager retains the right in his/her sole discretion to designate positions that are appropriate for telecommuting. Due to limited staffing and need for office coverage, such requests will be evaluated carefully by the City Manager in consideration of over-all business and operational needs of the City. The City Manager shall take into consideration those limited situations where the City may benefit from such an arrangement. Consideration will be given to the employee's need to engage with the public and co-workers, whether the work lends itself to independent work which is measurable in terms of products and outcomes, and any other relevant factors. Telecommuting must be approved by the City Manager.

Telecommuting does not change the conditions of employment or required compliance with all City policies and procedures. The City reserves the right to change or terminate the Telecommuting Agreement at any time, without cause or advance notice. An employee's ability to work under a Telecommuting Agreement rests in the sole discretion of the City. Telecommuting is a privilege and may not be appropriate for every employee.

#### 1.17.3 Equipment

Equipment needs will be determined on a case by case basis as determined by the Department Director/Manager during the telecommuting period.

#### 1.17.4 Telecommuting Safety

The Telecommuter is responsible for ensuring the safety of his or her alternative work environment. However, because the City is legally obligated to provide its employees with a workplace that is free from hazards that might cause serious harm or injury, the City reserves the right to periodically inspect the Telecommuter's home work space.

Any such inspection will be preceded by advance notice and an appointment will be scheduled. Telecommuters are covered by the City's workers' compensation insurance. As such, Telecommuters are required to immediately report any injuries that occur while working, regardless of location. The Telecommuter shall be liable for any injuries that occur to third parties at or around the Telecommuter's alternative work environment.

#### 1.17.5 Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of confidential information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. All official City records, files and documents must be protected from unauthorized disclosure or damage and returned safely to the office. This includes taking all measures necessary to avoid cybersecurity threats.

#### 1.17.6 Telecommuting Agreement

All Telecommuters will be required to sign a Telecommuting Agreement that outlines the days and work hours (as applicable) of the Telecommuter; equipment the Telecommuter will need; how the Telecommuter will communicate with the City; use of support staff; and other appropriate information. To acquire the Telecommuting Agreement, please contact the Talent Attraction and Development Department.

#### 1.17.7 Hours of Work

Unless otherwise agreed in the Telecommuting Agreement, hours and days of work will not change. Employees agree to apply themselves during work hours. If mutually agreed between the Director/Manager and employee, an individual employee's schedule may be modified to accommodate the employee's childcare or other needs and the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a telecommuting agreement.

#### 1.17.8 Attendance at Meetings

Telecommuters are expected to attend all required and regularly scheduled meetings.

**1.17.9 Costs Associated with Telecommuting**

The City shall not incur additional costs due to a Telecommuting Agreement, except for legally-required reimbursements for necessary job-related expenses incurred due to the approved telecommuting agreement. The Telecommuting Agreement will specify any costs the City will cover. All other expenses are the responsibility of the Telecommuter.

**SECTION 1.18 EMPLOYEE'S HOME ADDRESS AND STATUS OF DRIVER'S LICENSE – DUTY TO UPDATE**

**1.18.1 Home Address and Related Changes**

All City employees shall notify his/her supervisor, and the supervisor shall ensure that Talent Attraction and Development is immediately updated on any change in their residential address, telephone number(s), personal email address, and emergency contact information.

**1.18.2 Driver's License Changes**

- a. The possession of a valid California Driver's License is a requirement for all City employment positions. Convictions of certain offenses or administrative action by the Department of Motor Vehicles may restrict or prohibit an employee's ability to drive City vehicles or operate City equipment. Therefore, all such employees shall promptly notify their supervisor, and the supervisor shall ensure that Talent Attraction and Development is immediately updated on any change, temporary or permanent, in Driver's License status.
- b. These changes will be reported in writing directly to the City Manager. The changes will be recorded in the employee's personnel file with a copy sent to appropriate supervisors and the City's Finance Department.
- c. Changes in Driver's License Status will be evaluated by the City Manager on a case-by-case basis to determine whether the employee can fulfill the essential duties of the position, as a result of a change involving temporary suspension or full revocation.

**SECTION 1.19 PERSONAL APPEARANCE, GROOMING AND DRESS CODE**

Employees are required to dress appropriately for the jobs they are performing. The following personal appearance, grooming and dress code regulations shall apply to all City employees. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- a. All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed.
- b. Prescribed uniforms and safety equipment must be worn.
- c. Hair must be neat, clean and well-groomed.

- d. Beards, mustaches, and sideburns must be maintained in a neat and well-groomed fashion.
- e. Jewelry that does not pierce the skin is acceptable except where it constitutes a health or safety hazard.
- f. Good personal hygiene is required, and
- g. Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work.

#### **SECTION 1.20 USE OF CITY SEAL OR CITY OR DEPARTMENT EMBLEMS**

All official seals, emblems or logos, including patches, badges and business cards, of the City or of any of its departments, are the property of the City. Such seals, emblems and logos shall not be reproduced, duplicated, sold, traded or given away without the express written permission of the City Manager, other than for use in conducting City business.

#### **SECTION 1.21 NEWS MEDIA RELATIONS**

##### **1.21.1 General Policy**

From time-to-time, the City, its officials and employees are contacted by representatives of the news media, including press, radio and television. The ultimate authority and the individual responsible for the release of information to the media on behalf of the City is the City Manager. Any media requests for information on behalf of the City shall be referred to the City Manager or his or her designee. At no time shall a City employee make any comment or release any information to the media on behalf of the City without prior approval from the City Manager or his or her designee.

##### **1.21.2 Media Access**

Authorized and bona fide members of the media shall be provided access to scenes of disasters and emergencies subject to the following conditions:

- a. The media representative shall produce valid press credentials which shall be prominently displayed at all times while in areas otherwise closed to the public.
- b. Media representatives may be denied access to emergency operations in situations where such access would reasonably appear to interfere with emergency operations; provided, however, that every reasonable effort should be made to provide representatives with access to a command post at a location nearest to the emergency operation.

#### **SECTION 1.22 ATTENDANCE AND PUNCTUALITY**

- a. Employees of the City of Eastvale have accepted the responsibility of performing assigned job tasks, as a service to the community. Excessive absenteeism and lateness can cause extra burden on co-workers in the delivery of those services.

- b. When compelling personal reasons require absence from work, employees should provide as much advance notice as possible to allow for scheduling and distribution of the work. If illness or some other emergency causes an unplanned absence, the employee must speak directly with their supervisor as soon as practicable for each day of absence, or early departure from work due to illness. If the immediate supervisor is unavailable, the employee is required to speak directly with the next higher level of authority available. It is not acceptable to report an absence to a co-worker. Failure to call in may result in disciplinary action.
- c. The City of Eastvale is committed to complying with all applicable leave laws, and upon verbal or written notice from an employee of a qualifying circumstance, the City shall respond with appropriate designation and accommodation as required.
- d. Foreseeable needs for time off should be requested a minimum of seventy-two (72) hours in advance. It is incumbent upon the supervisor or department head to notify the City Manager of such requests.

#### **SECTION 1.23 TOBACCO, E-CIGARETTE, VAPING POLICY**

Employees shall not smoke, or use tobacco, e-cigarettes, or vape in any City facility or vehicle, or while on duty in City uniforms, except during designated rest and meal breaks, and not within 20 feet of a public building. A violation of this policy shall result in disciplinary action.

#### **SECTION 1.24 OPEN DOOR POLICY**

The City of Eastvale has adopted an open door policy for all employees. The purpose of the City's open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. The open door policy means that employees are free to talk with any manager about any topic.

If any area of an employee's work is causing concern, employees have the responsibility to address their concern with a manager. Whether the issue is a problem, a complaint, a suggestion, or an observation, the City is committed to wanting to hear from you. By listening to you, the City is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes, and decisions.

Most problems can and should be solved in discussion with the employee's immediate supervisor; this is encouraged as the first effort to solve a problem. But, an open door policy means that an employee may also discuss their issues and concerns with the next levels of management and/or Talent Attraction and Development staff members. No matter which alternative is used to approach an employee's perceived problem, complaint, or suggestion, the management team within the City organization is willing to listen and to help bring about a solution or a clarification.

By helping to solve problems, managers benefit by gaining valuable insight into possible problems with existing methods, procedures, and approaches. While there may not be an easy answer or solution to every concern, the City of Eastvale's employees have the opportunity at all times, through the open door policy, to be heard.



## **SECTION 1.25 PERSONNEL RECORDS**

### **1.25.1 Establishment**

An employee's official personnel file will contain all records concerning personnel actions taken, including, but not limited to, performance evaluations, benefit enrollment forms, educational courses taken, and all employment related documents that give a complete employment history. The City Manager or designee shall keep personnel records confidential to the extent permitted by law. Personnel files may be viewed by the employee upon request. Employee medical information shall be kept in files separate from the official personnel file. Likewise, any grievances filed by an employee as well as documents reflecting a review of such grievances shall be maintained in separate confidential files.

### **1.25.2 Maintenance**

Employees are required to inform the City Manager, or designee, of any changes in name, address, telephone number, marital status, family status, beneficiary, or other information on file. This ensures that state and federal withholding statements, insurances and retirement records are correct. Employees may be liable for any costs incurred by the City as a result of inaccurate personnel information.

### **1.25.3 Release of Information Concerning City Personnel**

To ensure personnel information is appropriately and accurately disseminated, the City Manager, or designee will initially screen all personnel reference checks and employment verifications, and confidentially handle financial inquiries originating from banks, credit unions, etc. regarding current and past City employees. Responses to financial inquiries will be released only upon written employee authorization.

### **1.25.4 Procedures for Release of Information**

- a. All outside inquiries and reference checks shall be in writing and shall be forwarded to the City Manager, or designee for response. The City Manager or designee may consult with the City Attorney as to the release of the requested information. All calls for reference checks should be referred to the City Manager, or designee.
- b. Financial information will be released only after a written request has been submitted to the City Manager or designee by the entity requesting the information, and the employee has executed a written approval to release the requested information.
- c. The City Manager or designee shall comply with applicable Federal and State laws regarding release of public employee personnel and financial information and shall consult with the City Attorney whenever there are questions concerning the release of such information. Nothing in this section shall be construed as prohibiting the City from releasing information required by law, including but not limited to a subpoena or court order.

### **1.25.5 Employees with Access to Confidential Information**

In performing their duties, employees may have access to confidential information, including employees' personnel files and the personal, financial and medical information of other City employees. In addition, some City employees will be involved in some communications with the City Attorney's Office which can be protected by the Attorney-Client privilege. Employees with such access are required to keep such information confidential.

**1.25.6 Personnel/Payroll Files – Right to Inspect**

- a. California law provides that current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files and records that relate to the employee's performance or to any grievance concerning the employee.
- b. Inspections shall be allowed at reasonable times and intervals, but not later than 30 calendar days from the date the City receives a written request. Upon a written request from a current or former employee, or a representative, the City shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not less than 30 calendar days from the date the City receives the request.
- c. To facilitate the inspection, the City shall (1) maintain a copy of each employee's personnel records for a period of not less than three years after termination of employment, (2) make a current employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the place where the employee reports to work, or at another location agreeable to the employer and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted, (3) make a former employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the location where the employer stores the records, unless the parties mutually agree in writing to a different location. The City is not required to make those personnel records or a copy available at a time when the employee is actually required to render service to the employer, if the requester is the employee.
- d. The City shall take reasonable steps to verify the identity of a current or former employee or an authorized representative. Prior to making records available for inspection or providing a copy of those records, the City may redact the name of any nonsupervisory employee.
- e. The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense, letters of reference, or ratings, reports, or records that (a) were obtained prior to the employee's employment, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional exam.
- f. The City shall permit current and former employees to inspect or copy payroll records pertaining to that current or former employee.

- g. Upon receipt of a written or oral request from a current or former employee to inspect or copy his or her payroll records, the City shall comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request.

#### **SECTION 1.26 GUIDANCE ON EMPLOYEE USE OF SOCIAL MEDIA**

While employees may voluntarily choose to engage with the City on its social media pages, the City does not encourage or require any employee to follow or “like” City social media sites.

The City does not condone the personal use by City employees of social media sites during the workday by any means, including by using City-owned equipment. **City employees have no right or expectation of privacy when using City issued devices or systems. The City reserves the right to monitor, search, or disclose employee use of City resources.**

Employees are reminded and cautioned that nothing posted on the internet is private. Content can easily be shared, forwarded, and distributed to broader audiences without your knowledge or permission.

Information posted on any social media site may be used as evidence in disciplinary, administrative, or legal proceedings.

The personal use of social media by a City employee in a manner that violates any City policy, rule, or procedure will not be tolerated, and may be grounds for disciplinary action, up to and including termination. Employees are expected to comply with the same ethical and performance standards on-line as in the workplace.

Employees may not use their official City email addresses to create or maintain any personal social media page(s).

An employee’s use of social media in a manner that violates the City’s policies and procedures, including, but not limited to, the City’s workplace harassment, discrimination, and retaliation policies, will not be tolerated, and may be grounds for disciplinary action, up to and including termination.

Employees may not post any content on the internet or social media that constitutes or contains City confidential, proprietary, privileged, private, personnel, or other non-public information.

Unless otherwise directed by the City Manager, City employees are prohibited from using the City logo, representing the City, or representing that they speak on behalf of the City. Employees must also make clear in any on-line activity that the views and opinions they express about work-related matters are their own, have not been reviewed by the City, and do not necessarily represent the views and opinions of the City.

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## CHAPTER 2 - CLASSIFICATION AND COMPENSATION

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### SECTION 2.1 EMPLOYEE CLASSIFICATIONS/AUTHORIZED POSITIONS

Authorized full-time and part-time positions, with classification titles and pay ranges specified, shall be established from time to time upon adoption of a resolution by the City Council. The job descriptions for such positions shall be approved by the City Manager or his or her designee and revised as deemed necessary or desirable. Unless otherwise stated, the following definitions shall apply for purposes of Authorized Positions under these Personnel Rules and Regulations:

- a. Regular Full-time Employee: A full-time non-management employee who is appointed to a position for a six-month or longer term, who has successfully completed his or her probationary period in their position in the competitive service and is occupying a classified position established on a continuing basis, and is employed to work 2080 hours per year on a regular schedule, and is eligible for the City's retirement program and full benefits. Such positions are designated as "general" on the City's adopted Salary Schedule.
- b. Regular Part-time Employee: A part-time non-management employee who is appointed to a position for a six-month or longer term, who has successfully completed his or her probationary period in their position in the competitive service and is occupying a classified position established on a continuing basis, and is employed to work a minimum of 30 hours per week, and less than 2080 hours per year, and is eligible for the City's retirement program and half the benefits of a regular full-time employee. Such positions are designated as "general" on the City's adopted Salary Schedule.
- c. Temporary Part-time Employee: A part-time non-management employee who is employed to work 29 hours per week or less. Such positions are designated as "part-time" on the City's adopted Salary Schedule. Employees hired in this category are excluded from receiving benefits, except as otherwise expressly provided for herein, and serve at the will of the City Manager. Those temporary part-time employees who are *assigned* such hours that result in an accumulation of 1,000 hours within the fiscal year, shall become eligible for participation in the City's retirement program. All employees in this category are eligible to receive sick leave in accordance with the Health Families Healthy Workplace Act of 2014 and Section 4.3 below. Paid Interns shall be included in this category, as well as temporary or seasonal employees.
- d. Probationary Employee: Every new employee in a regular full- or part-time position shall serve a probationary period of twelve (12) months, exclusive of time off for leaves of absence as hereinafter permitted. The probationary employee will be evaluated periodically during the probationary period and is subject to dismissal, with or without cause, at the discretion of the City Manager. The termination can be exercised at any time during the probationary period. Effective on the first day following completion of the probationary period, if the employee's performance has been satisfactory and the City Manager approves his/her retention, the employee shall be considered thereafter a full- or part-time

regular employee of the city. Probationary employees are also deemed “Disaster Service Workers” per Section 2.1.i. below.

- e. Exempt Employee: An employee who is exempt from the overtime provisions under applicable state law or the Fair Labor Standards Act (FLSA).
- f. Non-Exempt Employee: An employee who is covered by the overtime provisions of applicable state law or the Fair Labor Standards Act (FLSA).
- g. “At-Will” Employee: A full-time management employee who is not included in the competitive service. Such positions are designated as “management” on the City’s adopted Salary Schedule. An “at-will” employee may be dismissed by the City Manager at any time for any reason and without prior notice or right of appeal. While many sections of this Manual will apply to “at-will” employees, others shall not, and inclusion of those sections does not change the status of “at-will” employees. Employment “at-will” means that either the employee or the City can terminate the employee relationship at any time with or without cause at either party’s option with or without advanced notice. Nothing in this Manual or in any document or statement shall limit the right to terminate employment “at-will”.
- h. Volunteer/Unpaid Interns: An individual who accepts an unpaid position with the City to perform specific tasks. A volunteer or unpaid intern is not an employee, and can be released at any time and for any reason without the right of appeal.
- i. Disaster Service Workers: The protection of the health and safety, and preservation of lives and property of the citizens of the City of Eastvale from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property and resources is of paramount City importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the power of the City in protection of its citizens and resources, **ALL City employees are hereby declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their superiors or by law.**

## **SECTION 2.2 NON-CITY FUNDED EMPLOYEES**

Employees who are hired pursuant to Federal/State/County/Regional agency funding assisted programs are at-will employees and subject to termination when program funding terminates.

## **SECTION 2.3 WORKWEEK AND SCHEDULES**

### **2.3.1 General Policy**

- a. The City’s standard workweek for all employees begins at 12:00 a.m. each Monday and ends at the following Sunday at 11:59 p.m. The City may establish additional standard workweek schedules to accommodate other unique circumstances.
- b. City Hall’s normal operating hours are 7:30 a.m. to 5:30 p.m., Monday through Thursday. City Hall is closed every Friday.

- c. Depending on City requirements, some employees may be required to work different schedules, which may include working outside of City Hall's normal operating hours. Each employee's schedule hours of work will be determined based on staffing requirements to meet the needs of the City and our business objectives. Therefore, the City reserves the right to schedule employees to work an earlier or later schedule.
- d. Variations in work schedules may be approved by the City Manager, however, must be requested and approved in writing prior to the employee making any changes to their schedule. Such requests will be evaluated as to their impact on the needs of the City, and to ensure appropriate and adequate staff coverage, in considering the request for a modified schedule.
- e. The City reserves the right to change an employee's work schedule to meet the needs of the City. However, unless urgent City needs make it impossible to do so, the City will provide employees with at least two (2) weeks' notice of any schedule change.

#### **2.3.2 Full-time Exempt (Salaried) Employees Work Schedule**

Exempt (salaried) employees are generally expected to maintain the same work schedule and office hours as non-exempt employees unless pre-authorized by the City Manager. The City will consider the need for exempt employees to have some flexibility in the work schedule, to the extent that exempt employees demonstrate that they are meeting the requirements of their position (including any supervisory obligations), and that a minimum of forty (40) hours per week is achieved, which shall include use of approved leaves from time banks (e.g. sick leave, vacation leave, etc.). Variances in the employee's regular schedule must be discussed and approved in advance by the City Manager. In all cases, the business needs of the City and its residents must be considered and maintained as a top priority. Any perceived abuse of the City's flexibility, and/or failure of the exempt employee to fully perform their job duties or to fulfill the required forty (40) hours will result in the loss of privilege for flexibility. Exempt employees shall not receive less than forty (40) hours per week compensation as salaried employees, except as permitted by law. Such instances should be discussed with the City Manager for appropriate review and handling.

Exempt employees shall work extra hours as needed to perform their duties, to attend special events, and/or to attend meetings after hours as required by the City Manager. Exempt employees receive management leave in recognition of the extra hours they are expected to work.

#### **2.3.3 Regular Full-time Non-Exempt (Hourly) Employees Work Schedule**

All full-time non-exempt (hourly) employees shall work either an assigned shift of 7:30 a.m. – 6:00 p.m. with an unpaid thirty-minute meal period, or 7:00 a.m. – 6:00 p.m. with an unpaid one (1) hour meal period. Other variations may be approved by the City Manager on a case-by-case basis.

#### **2.3.4 Part-time Non-Exempt (Hourly) Employees Work Schedule**

All part-time non-exempt (hourly) employees shall work designated hours as established by

their supervisors and department heads, and shall be eligible for rest and meal breaks consistent with the rules for full-time non-exempt employees.

#### **2.3.5 Make-up Time for Non-Exempt (Hourly) Employees**

- a. Make-up time is available for all regular full-time, regular part-time, and temporary part-time employees who are paid on an hourly basis (non-exempt).
- b. The City of Eastvale does not require employees to work make up time. Make-up time allows a non-exempt employee to voluntarily request time off for a personal obligation and to make up the time on another day in the same workweek without receiving overtime pay.
- c. Notwithstanding the foregoing, non-exempt employees will be paid overtime when more than forty (40) hours are worked in a workweek. Use of sick leave, vacation leave, holidays, management leave, or other leaves shall not be counted towards the calculation of overtime.
- d. Requests must be submitted in writing using the City's prescribed form, and be approved in advance by the employee's supervisor and Department Head prior to performing any make- up time. Please note that the City cannot guarantee make-up time will be approved or provided.
- e. Advance notice is required in order that the City may plan for work coverage. Employees are required to provide the City with seventy-two (72) hours' notice, except in the case of emergencies. Same-day requests are discouraged, and will be considered on a case-by-case basis and in emergency situations.
- f. Any perceived abuse of the City's flexibility (e.g. failure to provide advance notice on a recurring basis) will result in the loss of privilege for flexibility.

#### **2.3.6 Special Events, City Council Meetings, and Commission Meetings**

All employees may be required to work special events i.e. Picnic at the Park, State of the City, Fall Festival, National Night Out, and other similar events, and may be required to attend City Council, Commission and/or other meetings.

Non-exempt (overtime eligible) employees who are assigned to work such events and to attend meetings after hours shall either receive overtime compensation or compensatory time off at the applicable rate of either straight time or time and one half (1.5) when hours worked in the workweek exceed forty (40) hours. Such employees may also request approval to flex their schedule by taking a day off during the same week in which they will be required to work the special event. Requests to use compensatory time off or flex time must be made a minimum of seven (7) days in advance prior to the event and will be evaluated to ensure appropriate and adequate staff coverage.

#### **2.3.7 Work Performed "Off the Clock"**

Work performed "off the clock" by any non-exempt (hourly) employee is considered compensable time and may be subject to overtime compensation or regular compensation.

Time worked outside of regularly scheduled work hours beyond forty (40) hours must be recorded and paid for non-exempt employees. However, any work outside of regular hours must be pre-authorized. Non-exempt employees who work any additional hours without pre-authorization may be subject to disciplinary action.

## **SECTION 2.4 PAYROLL PROCESSING**

### **2.4.1 General Information**

The City processes payroll on a bi-weekly basis with twenty-six (26) pay periods in each calendar year. Payday will be the Thursday following the close of the pay period and is paid on Thursday by direct deposit.

### **2.4.2 New Hires and Employee Changes**

Talent Attraction and Development provides all applicable new hire personnel forms to each new employee, and prepares the Personnel Action Form (PAF) for all newly hired employees. Personnel Action Forms are also required for any employee changes including, but not limited to, position change, salary increase, benefit change, etc. The Personnel Action Form identifies programs and account numbers the employee's time will be charged to and must be approved by the City Manager, Finance Director and Department Head. Talent Attraction and Development enters new employee data into the payroll system. The Finance Director, or designee, reviews the entries for completeness and accuracy.

### **2.4.3 Time Sheets – Non-Exempt Employees**

All non-exempt (hourly) employees including Regular full-time, Regular Part-time, Probationary and Temporary Part-time employees are required to keep accurate and complete records of the time worked on the time sheet form provided by the City. The use of time sheets assures proper cost accounting and compliance with wage and hour laws. Time sheets must be completed in a neat and orderly manner, so that all entries are easily read. The time sheets accurately must state for each day worked, the time the employee began work, the time when the employee left for lunch, the time the employee returned from lunch, and the time when the employee finished work for the day. Employees will also acknowledge on the time sheet that they have been afforded the opportunity to take appropriate uninterrupted rest and meal breaks. Back-up documentation must be submitted showing authorization for overtime, compensatory time, and make-up time worked.

### **2.4.4 Time Sheets - Exempt Employees**

All exempt (salaried) employees must complete time sheets in order to record regular time worked and exception hours (e.g. sick leave, vacation, etc.).

### **2.4.5 Deductions**

Any benefit or insurance deductions associated with payroll will be withheld from the first and second paycheck of each month. Cafeteria cash outs will be withheld from the first and second paycheck of each month. With bi-weekly pay periods, there are two (2) months during the year that a third pay check will be received. There will not be any benefit/insurance deductions taken on the third paycheck of a month.



#### **2.4.6    Issuance of Paychecks**

After all entries have been verified and applicable corrections made, payroll checks are processed. The paychecks are scanned and kept in a secure location until payday. The Talent Attraction and Development Department distributes pay stubs to all employees on Thursday prior to pay day.

#### **2.4.7    Final Payment upon Separation of Employment**

Talent Attraction and Development prepares and processes the final paycheck including payoff for unused vacation and any other vested leave (management leave, floating holidays) after receipt of the approved Personnel Action Form and approved time sheet. The City Manager reviews the calculations and proof list before the paycheck is prepared. The final check is issued to the separating employee upon receipt of all City issued property including keys, computers, uniforms, and identification card in the normal manner at the end of the pay period, via direct deposit.

### **SECTION 2.5   REST AND MEAL PERIODS – NON-EXEMPT (HOURLY) EMPLOYEES**

- a.    Employees whose total daily work time is at least 3.5 hours must take a mandatory paid rest period of fifteen (15) minutes. A fifteen (15) minute rest period is mandatory for every four (4) hours worked, or “major fraction thereof.” Rest breaks must be taken during the work periods prior to the meal period and after the meal period. As much as practicable, the rest break should be taken in the middle of the work period.
- b.    Employees who work more than five (5) hours must take an unpaid, off-duty meal period of at least thirty (30) minutes.
- c.    When a work period of not more than six (6) hours will complete the day’s work, the meal period may be waived by mutual consent of the City and the employee. Such requests must be communicated in writing (e.g. email), and a copy of the request and approval shall be attached to the time sheet. Employees and supervisors using this option must ensure that the employee ends their shift immediately after completing the sixth hour of work.
- d.    Employees who work more than ten (10) hours are entitled to a second unpaid meal break.
- e.    During meal breaks, employees shall be relieved of all duties. The City does not discourage or interfere with the right to take rest and meal breaks. Employees should contact the City Manager if not provided reasonable opportunity to take these breaks within one (1) hour of occurrence, so that appropriate action may be taken.

In the event that an employee cannot be completely relieved of all duties during a meal break, the employee will be paid during the meal break, and such time shall constitute hours worked.

- f. Employees should refrain from taking rest and meal breaks at their desks to ensure that a bona fide, uninterrupted rest and meal break has been taken.
- g. Where adequate on-site facilities exist, employees should use the areas and facilities provided for rest breaks. Field employees should take rest breaks at the job site, or at restaurants and food establishments in close proximity to the work site, only if they can return to the job site within the designated time limit. If in transit between jobs, the break may be taken at a nearby park or at the next job site. Any travel time is included in the total amount of the meal or rest break.
- h. Rest breaks are treated as hours worked, and are paid as time worked.
- i. Rest and meal breaks may not be saved or used at another time or to make up a late arrival, or to shorten the workday. Rest breaks shall not be combined with meal periods to provide an extended meal period.
- j. Rest and meal breaks may not be taken within one (1) hour of starting time, or quitting time unless special circumstances make this desirable, and in which case prior approval shall be obtained from the employee's immediate supervisor.
- k. Non-exempt employees must accurately record each meal period on the time card. Each meal break must be at least 30 minutes long.
- l. Supervisors are responsible for ensuring that employees are provided the opportunity for rest and meal breaks in accordance with these rules. Supervisors are also responsible for scheduling meal and rest breaks to provide for appropriate coverage of work.

## **SECTION 2.6 OVERTIME COMPENSATION/COMPENSATORY TIME**

Non-exempt (hourly) employees who actually work more than forty (40) hours in a workweek shall be compensated at the rate of one and one-half (1.5) times the employee's regular rate of pay, either as paid time at one and one-half (1.5) times the regular rate of pay or as compensatory time accrued at the rate of one and one-half (1.5) times the regular rate of pay for all hours worked in excess of forty (40) in any workweek. Work classified as standby, call back for emergency and disaster response will also be paid at one and one-half (1.5) times the straight time rate.

For the purposes of this policy, holidays, sick leave usage, vacation leave usage, and other pre-scheduled time off shall not be considered actual work time, towards the calculation of overtime.

The total amount of compensatory time an employee may accrue is 60 hours. When this maximum is reached, the employee will either take time off work or receive payment for all or a portion of the time at the discretion of the City Manager. The City Manager reserves the right to allow and authorize overages in special circumstances.

Non-exempt (hourly) employees may request compensatory time off using their accrued (banked) hours. Such requests shall be approved unless it would cause an "undue disruption" to work. Employees shall request time off following normal time off procedures. Same-day requests due to unforeseen or emergency circumstances, will be considered. However, same-

day requests due to non-emergencies are discouraged and will be evaluated on a case-by-case basis.

## **SECTION 2.7 BI-LINGUAL PAY**

Full-time employees who are certified as bi-lingual by the City in accordance with these provisions and who are routinely and consistently assigned to provide bi-lingual services in positions requiring communication skills in languages other than English are eligible for bilingual pay. Bi-lingual pay may be suspended for employees who are on a leave of absence from the City. The City may pro-rate the employee's bi-lingual pay based on the length of the leave of absence.

Eligible full-time employees may receive an additional \$100.00 per month for bi-lingual services, and eligible part-time employees may receive an additional \$50.00 per month. The City Manager will be the final authority to determine the number of employees to receive bi-lingual pay, to assign and approve bi-lingual pay, and to remove bi-lingual pay from employees based on business necessity. Each Department Head will be able to provide recommendations to the City Manager, the languages needed and the total number of staff to provide services to the public. Employees being considered for bi-lingual services shall be required to pass a bi-lingual proficiency test for both speaking and writing skills. Talent Attraction and Development will arrange for the testing, as required. Employees who pass the tests, and are considered certified, shall receive their bi-lingual pay effective the pay period following certification.

To the extent permitted by law, the value of the compensation for bi-lingual pay is considered special compensation and shall be reported as such to CalPERS pursuant to Title 2 CCR, Section 571(a)(4) (for Classic Members) or Title 2 CCR Section 571.1(b)(3) (for New Members) – Special Assignment Pay. Bi-lingual pay shall be reported to CalPERS periodically when earned, on a per pay period basis. However, the City makes no representations or guarantees whatsoever with respect to whether CalPERS shall include said bi-lingual pay as compensation for purposes of benefit determination and CalPERS shall make the sole determination as to inclusion.

## **SECTION 2.8 TEMPORARY ASSIGNMENTS**

Employees may be temporarily assigned higher or lower duties without a change in pay and such action shall not be deemed as a transfer, demotion, promotion, or reclassification. In all cases where periodic or regular variations in assignments occur because of seasonal or operational needs, the nature of the duties, the work schedule or a position from which the incumbent is on extended leave of absence, such variations shall be considered as incidental to the position.

### **2.8.1 "Temporary Upgrade Pay" – Acting Assignment to Higher Position**

Employees assigned to perform the full duties in a higher level regular position authorized by the City Council shall be entitled to a salary rate increase to the higher level salary range for the classification to which assigned, and for the time actually worked in the temporary assignment ("Temporary Upgrade Pay"). The duration of such assignment shall be at the City Manager's discretion and may be removed based on the needs of the organization, but must be of a limited duration.

To the extent permitted by law, the value of the compensation for Temporary Upgrade Pay is special compensation and shall be reported as such to CalPERS pursuant to Title 2 CCR, Section 571(a)(3) – Premium Pay (for Classic Members). However, to constitute special compensation, an eligible employee must spend 100% of their time in performance of the full duties of the upgraded or higher level position. The City makes no representations or guarantees whatsoever with respect to whether CalPERS shall include said Temporary Upgrade Pay as compensation for purposes of benefit determination and CalPERS shall make the sole determination as to inclusion.

Moreover, if an employee is assigned to perform the full duties in a position that is vacant during recruitment for a permanent appointment and not a position that is temporarily available due to another employee's leave of absence, the duration of such assignment shall be limited to 960 hours per fiscal year.

#### **2.8.2    Additional Assignment Pay**

Employees performing in a capacity beyond the normal scope of their duties because of a vacancy and/or a leave of absence greater than three (3) months, and with increased and direct responsibility and personal liability for City operations, shall be eligible for Special Assignment Pay. Special Assignment Pay shall be a flat rate not to exceed five percent (5%) of base salary. Special Assignment Pay will only be authorized upon Department Head recommendation and City Manager approval.

#### **2.8.3    Lead Pay**

Employees designated to perform in a lead capacity beyond the normal scope of their duties with increased responsibility shall be eligible for Lead Pay. Lead pay shall be a flat rate not to exceed five (5%) of base salary. Lead Pay will only be authorized upon Department Head recommendation and City Manager approval. The duration of such assignment shall be at the City Manager's discretion and may be removed based on the needs of the organization.

### **SECTION 2.9   CALL BACK PAY**

Call back duty occurs when a non-exempt employee is ordered to return to duty on a non-regularly scheduled work shift. Call back does not occur when an employee is held over from his/her prior shift or is working prior to his/her regularly scheduled shift. An employee called back to duty shall be credited with a minimum of two (2) hours work commencing at the time of the call or contact. Any call back lasting two (2) hours or less shall result in a credit for two (2) hours worked. A subsequent call received during a call back shall not result in an additional two (2) hours minimum call back pay, but shall be paid as actual time worked.

### **SECTION 2.10   ON CALL (STANDBY) PAY**

Non-exempt (hourly) employees may be assigned to twenty-four (24) hour on call duty on a week- end, holiday or non-scheduled work day, or on call duty between regularly scheduled work shifts, requiring the employee to respond to emergency calls. Response to emergency calls shall occur within forty-five (45) minutes from the time the employee receives the communication. Response calls may require the employee to report back to work.

The rate of compensation for serving On Call shall be two dollars and fifty cents (\$2.50) per

hour. Said compensation is exclusive of any other compensation that may be provided for time worked. On-call hours shall not count as hours worked.

The employee and the employee's supervisor must execute a written agreement agreeing to the employee working on call.

### **SECTION 2.11 CAR ALLOWANCE**

A car allowance may be provided to the City Manager if provided for within his or her Employment Agreement approved by the City Council. The City Manager may approve a car allowance, not to exceed \$300 per month, for select at-will employees as determined appropriate by the City Manager. There is no right to a car allowance and the City Manager may reduce or eliminate a previously approved car allowance at any time. At-will employees who receive a car allowance shall do so in lieu of receiving a mileage reimbursement from the City for use of their personal vehicle for City-related travel.

### **SECTION 2.12 PHONE ALLOWANCE**

The City Manager shall designate those positions requiring either the issuance of a cell phone for the conduct of City business, or the provision of a cell phone allowance in the amount of \$40 per month, when designated employees use their own phone. The City Manager may receive a cell phone and/or internet allowance if provided for within his or her Employment Agreement approved by the City Council.

### **SECTION 2.13 SALARY AND WAGE SCHEDULES**

The salary and wage schedule for authorized full-time and part-time positions shall be established from time to time upon adoption of a resolution by the City Council.

The City of Eastvale will comply with all applicable state and federal laws regarding equal pay. Compensation to employees shall be based upon job classification and defined factors including education, training, experience, consequence of action, essential functions/duties and responsibilities, judgment/decision-making, and supervision received and exercised. In all cases, wages shall be based on bona fide factor other than sex, race, or ethnicity.

Consideration for initial salary placement shall be based upon the candidate's education, training and experience. Consideration for future merit increases shall be based upon defined and measured quantity and quality of productivity.

### **SECTION 2.14 ADVANCEMENT WITHIN THE SCHEDULE**

#### **2.14.1 Merit Increases**

The City Manager shall effect such merit-based advances as the City Manager may deem advisable based upon the employee's ability, proficiency, and performance within the authorized salary range.

Employees who receive a rating of less than satisfactory (i.e. needs improvement) shall not be eligible for a salary increase for the rating period. When sustained improvement has been observed, the Department Head may prepare and submit an interim performance evaluation

and recommend a salary increase to the City Manager.

#### **2.14.2 Special Merit Increases**

The City Manager, upon recommendation from a Department Head, may approve a Special Merit Increase for an eligible employee. Department Heads shall discuss such instances with the City Manager and prepare a memorandum to document superior, outstanding and meritorious performance warranting such special monetary recognition. Such increases shall not exceed 5% and are subject to the approval of the City Manager. Special Merit Increases shall typically occur outside the employee's normal rating period. An employee receiving a Special Merit Increase shall remain eligible for their normal merit increase at the prescribed evaluation period. Special Merit Increases shall be *rare exceptions*, not the rule, and may not exceed the maximum of the established salary range.

### **SECTION 2.15 CHANGES IN EMPLOYMENT STATUS**

#### **2.15.1 Transfer**

The City Manager, may, at any time, transfer an employee from one position to another position in the same or comparable class. A comparable class is one with essentially the same maximum salary limits, involves the performance of similar duties, and requires substantially the same basic qualifications. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Rules. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

#### **2.15.2 Promotion**

A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive the entrance rate of the new range or a five percent (5%) increase in salary, whichever is greater, provided that no employee is thereby advanced above the final step of the higher base salary range. The promotion effective date shall be the first day of the pay period following the approval of the appointment.

#### **2.15.3 Reclassification**

An employee whose position has been reclassified from one class to another class, which has a higher base salary range, shall be placed at the entrance point of the new range or at a step within the range that is not less than 5% and not more than 10% increase in salary. Ensuing merit increases will be due one (1) year from the date of the adopted reclassification. Reclassified employees are not required to serve a probationary period.

#### **2.15.4 Demotion**

A demotion is the appointment of an employee from one classification to a classification having a lower maximum rate of pay.

- a. An employee demoted for disciplinary reasons shall be placed on the same step within the base salary range of the class to which demoted.

- b. A promotional probationary employee who is returned to former classification during the probationary period shall be placed on the same step within the base salary range or the former classification that the employee was on at time of promotion. No credit shall be granted for time spent at the promoted level for next step advance due date.
- c. An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided that the salary rate does not exceed the maximum of the salary range of the demoted class. With the approval of the City Manager, the employee may be "Y-rated" (rate of pay is frozen at the rate of pay immediately prior to the demotion). The rate of pay of an employee that is Y-rated will not change until the employee's classification salary scale and step equals or exceeds their Y-rated level.
- d. An employee who voluntarily demotes from one classification to a classification with a lower maximum salary range shall be placed within the new salary range.

#### **2.15.5 Suspension**

The City Manager may suspend, and approve the recommendation of a Department Head, to suspend an employee at any time for just cause, in accordance with the Skelly Process when required.

#### **2.15.6 Reinstatement**

With the approval of the City Manager, a regular employee who has resigned with a good record may be reinstated within one (1) year to his/her former position, if vacant, or to a vacant position in the same, comparable, or lesser class provided he/she possesses the minimum qualifications for the position.

Reinstated employees do not retain any benefits or rights previously earned by virtue of his/her former employment unless approved by the City Manager. The employee will be appointed as a new employee and serve a new probationary period.

### **SECTION 2.16 TRAVEL EXPENSES**

The City's administrative policies on Travel and Reimbursement, as they may be amended from time to time, shall serve to provide policy related to this topic.

### **SECTION 2.17 SEVERENCE PAY**

It is the policy of the City of Eastvale that severance pay shall not be granted to terminated employees unless defined in an Employment Agreement or under certain limited circumstances. The City retains the right to amend or terminate its severance pay plan at its sole discretion.

### **SECTION 2.18 TUITION REIMBURSEMENT**

The City will provide regular full-time, and at-will employees with tuition reimbursement for courses which relate to their job assignment or the completion of a degree in a field related to City operations, subject to funding availability. An employee may be reimbursed for up to \$2,500

a fiscal year, not to exceed a cumulative total of \$10,000.

To be eligible, an employee must satisfactorily complete 12 months of employment prior to qualifying for course approval and subsequent reimbursement. If eligible, an employee must do the following to obtain reimbursement: 1) receive course approval prior to registration from Talent Attraction and Development; 2) provide Talent Attraction and Development with evidence of satisfactory ("C" grade or better) completion of the approved course; 3) submit receipts for tuition, enrollment fees, and/or books within 60 days of course completion; and 4) sign a form agreeing to repay the City the reimbursed amount if the employee voluntarily separates from the City or is terminated for cause within 24 months of the date of the reimbursement.

If there is insufficient funding to pay for all pending or anticipated future reimbursement requests, the City Manager may devise a fair and equitable manner for allocating the funds available amongst the eligible employees.



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## **CHAPTER 3 - EMPLOYEE BENEFITS**

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### **SECTION 3.1 HOLIDAYS**

All regular full-time employees, and full-time employees who are in their probationary period, shall have the following holidays as time off with pay:

1. January 1<sup>st</sup>, known as "New Year's Day"
2. The third Monday in January, known as "Martin Luther King Jr. Day"
3. The third Monday in February, known as "Presidents' Day"
4. The fourth Monday in May, known as "Memorial Day"
5. July 4<sup>th</sup>, known as "Independence Day"
6. The first Monday in September, known as "Labor Day"
7. November 11<sup>th</sup>, known as "Veteran's Day"
8. The fourth Thursday in November, known as "Thanksgiving Day"
9. The day after Thanksgiving Day
10. December 24<sup>th</sup>, known as "Christmas Eve Day"
11. December 25<sup>th</sup>, known as "Christmas Day"
12. One (1) floating holiday.

The City Council may approve additional paid holiday(s) for employees in any given fiscal year from time to time by resolution.

In the event a holiday falls upon a Friday or Saturday, the prior work day will be taken in lieu of the holiday; in the event a holiday falls upon a Sunday, the following workday will be taken in lieu of the holiday.

All regular part-time employees and regular part-time employees who are in their probation period shall receive the defined holidays as time off with pay at one-half (1/2) (e.g. 5 hours paid holiday).

Floating holidays will be provided at the beginning of the calendar year. Floating holidays not used during the calendar year in which they are provided will be converted to vacation time and treated in the same manner as provided in Section 4.2 of these Rules, including counting toward an employee's maximum vacation accrual and the vacation buy-back provisions.

### **SECTION 3.2 WINTER HOLIDAY CLOSURE**

City Hall closes to the public during the winter holiday periods beginning December 24 through January 1 of each year (actual dates may vary depending on the day of the week the holiday falls). Certain City operations may continue during this Winter Holiday Closure while others will not, as determined appropriate by the City Manager.

In conjunction with the City paid holidays including December 24<sup>th</sup>, December 25<sup>th</sup>, and January 1<sup>st</sup>, employees not required to work during all or a portion of the Winter Holiday Closure will be required to use their accrued leave time (vacation, compensatory, management leave, or floating holiday time) to equal the remainder of their regular work schedule hours/days during the Winter Holiday Closure.

If an employee's leave time has been exhausted due to a catastrophic event, and leave without pay would result in an undue hardship, the City agrees to review such situations on an individual basis. Additionally, if an employee is a recent new hire and has no available leave hours to use during the closure, the city agrees to review this situation. The City may advance vacation hours to cover the needed time. The City Manager may also approve an employee's ability to work during the Winter Holiday Closure.

If an employee is ordered to return to duty during the Winter Holiday Closure, the time called back during regular work hours will be deducted from the leave hours being used. Any call back hours may be eligible to be counted as overtime during the Winter Holiday Closure only.

### **SECTION 3.3 INSURANCE BENEFITS**

All employees in regular full-time or part-time positions, shall be eligible for the City's insurance benefits which may include medical, dental, vision, life and long-term disability insurance policies including Accidental Death and Dismemberment (AD&D), or, alternatively in a recognized cafeteria plan approved by the City Council. These benefits may be increased or decreased from time to time. The City reserves the right to change carriers and/or eliminate any type of coverage at its absolute discretion. No employee has any vested right to any type of insurance coverage or benefits.

#### **3.3.1 Cafeteria Plan**

As provided under the Affordable Care Act, enacted on March 23, 2010, the City is required to provide employees with notice of some basic information about the Marketplace and employment-based health coverage offered by the City. Information regarding the City's insurance plans including such information as premiums, coverage, etc. shall be provided to employees at the time of hire and during annual open-enrollment periods, and/or upon notice from an employee concerning a qualifying event in which an employee's dependent(s) may become eligible during the non-open enrollment period.

New employees who are hired between the first and the 14<sup>th</sup> day of the month shall be eligible for the full amount of the City's cafeteria plan contribution for the first month of employment. Those new employees hired on or after the 15<sup>th</sup> of the month shall be eligible to receive one-half (1/2) of the City's cafeteria plan contribution for the first month of employment.

The current City contribution towards the cafeteria plan for full-time employees is \$1,600.00 per month. Eligible part-time employees receive \$800.00 per month.

Employee's hired on or after December 1, 2017 will fall under the new cafeteria cash out plan which limits that cash out threshold at a maximum of \$800 per month for a full-time employee and \$400 per month for a part-time employee.

#### **3.3.2 Life Insurance**

Life insurance coverage shall be provided by the City for eligible employees and elected officials as follows:

- Level 1 – City Manager and Management – 2x annual salary to a maximum of \$400,000.
- Level 2 – All Other Eligible Employees – 2x annual salary with a minimum of \$100,000.

Employees who are eligible for management leave under Section 4.15 shall be considered management employees for the purposes of life insurance benefits.

Life insurance premiums for eligible employees are paid for by the City.

### **3.3.3 Short Term Disability Insurance and Long Term Disability Insurance**

The City does not participate in the State of California's Disability Insurance (SDI) program which includes the paid family leave program. Employees remain eligible for "unpaid" family and medical leave as provided by State and Federal leave laws, and may use accrued sick, vacation, holiday and compensatory time to provide compensation during such leaves.

The City's Short-Term Disability plan provides a maximum benefit period of 83 days, and the Long Term Disability program goes into effect after 90 days. Additional plan information, including elimination periods, and the monthly benefit amounts may be obtained from Talent Attraction and Development. Short-term and long-term disability insurance premiums for eligible employees are paid for by the City.

## **SECTION 3.4 RETIREMENT BENEFITS**

All regular full-time employees and regular part-time employees shall be members of the California Public Employees' Retirement System (CalPERS). The City is a member of CalPERS. Eligible employees are required to participate in accordance with the rules of CalPERS. CalPERS Retirement benefits are available to all employees working at least 1,000 hours in a fiscal year. Employees pay the full amount of the employee's contribution to CalPERS. Retirement health insurance benefits are provided to retirees in compliance with the Public Employees' Medical and Hospital Care Act (PEMHCA) and City Council Resolution No. 2011-03. The City shall pay no more than the monthly minimum employer contribution prescribed by Government Code section 22892 and Resolution No. 2011-03 toward retiree health benefits.

All temporary part-time employees, as well as any other employees not eligible for membership in CalPERS, shall be enrolled in the Accumulation Program for Part-Time and Limited Service Employees (APPLE) in lieu of enrollment in the federal Social Security Retirement System. APPLE-enrolled employees will pay 3.75% of salary into the program and the City will match that amount. Accumulated funds in APPLE will earn interest on contributions, and the principal is fully guaranteed. More information about APPLE can be received from Talent Attraction and Development.

## **SECTION 3.5 TEMPORARY PART-TIME EMPLOYEES**

Employees of the City designated as temporary part-time (less than 30 hours per week) are non-benefitted and shall be compensated on an hourly basis as specified by the position classification in which they are assigned. Temporary Part-time employees are not eligible for participation in any benefit program established by the City, except as required by State or Federal law or as otherwise expressly provide for in these Personnel Policies and Procedures.

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## **CHAPTER 4 - LEAVE OF ABSENCE**

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### **SECTION 4.1 GENERAL INFORMATION**

Generally, but not always, leaves of absences are unpaid. Employees have certain rights to substitute accrued paid leave for unpaid leave. Employees are not to perform work while on leave without prior authorization from the City Manager. While on leave, employees are still employees, and there is no break-in-service for purposes of longevity or seniority.

To the extent required by law, upon completion of the leave, the employee will be returned to his or her position, or to an equivalent position, without the loss of pay or benefits. An employee's failure to return to work as scheduled may result in separation from City employment.

As to exempt employees, the City will administer its leave policies so it preserves the employee's status as an exempt employee.

Unless otherwise required by law, employees will not be covered by non-health benefit plans (i.e. California Public Employees' Retirement System (CalPERS)). The employee may make the appropriate contribution for coverage under non-health benefit plans if the plans allows for such employee payment.

The City will continue to pay the City-sponsored premium portion of the employee health/medical benefits (which include dental and vision) for the first 12 weeks of a disability related leave of absence (PDL, FEHA, ADA, CFRA, FMLA, or Workers' Compensation<sup>1</sup>). City-sponsored premiums for benefits for all other leaves of absences will continue only through the end of the month in which the leave begins subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, and except where otherwise mandated by state or federal law. When the employee returns from leave, the City will again provide benefits according to the applicable plans.

Instances may exist where two (2) or more leave of absence policies provide overlapping protection for eligible employees. It is the intention of the City's policies to limit employees to the time available under the single most favorable leave of absence policy and to prevent employees from exceeding the limitations of that policy. **This means that, when the applicable law permits, all leaves of absences run concurrently.**

Employees should be aware that no two (2) leave of absence situations are exactly the same and should not expect that what occurred for other employees to apply to their personal situation.

For more detailed information regarding the types of leave, eligibility for leave, payment for leave, and the length of leave normally authorized, see the individual descriptions of each type of leave that follows.

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<sup>1</sup> "PDL" refers to the Pregnancy Disability Leave Law. "FEHA" refers to the Fair Employment and Housing Act. "ADA" refers to the Americans with Disabilities Act. "CFRA" refers to the California Family Rights Act. "FMLA" refers to the Family Medical Leave Act.

## **SECTION 4.2 VACATION**

All regular full-time employees and full-time employees who are in their probation period will accrue vacation time as defined below. All regular part-time employees will accrue vacation hours at one-half (1/2) the rates below. Temporary part-time employees do not accrue vacation. Employees shall be eligible for, and accrue vacation with pay according to the following conditions:

### **4.2.1 Amount of Vacation**

- a. Fifty-nine (59) or less months of continuous service: Each employee working in continuous service of fifty-nine (59) or less months shall earn 80 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked.
- b. Sixty (60) to one hundred twenty (120) months of continuous service: Each employee working in continuous service for sixty (60) to one hundred nineteen (119) months shall earn 120 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked. Additionally, an employee shall receive a one-time credit of forty (40) hours of paid vacation on their next regular paycheck after the start of their sixtieth month of continuous service.
- c. One hundred twenty (120) or more months of continuous service: Each employee working in continuous service for one hundred twenty (120) months or more shall earn 160 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked. Additionally, an employee shall receive a one-time credit of forty (40) hours of paid vacation on their next regular paycheck after the start of their one hundred twentieth (120) month of continuous service.

To attract and retain experienced at-will management employees and reflect their accruals for other comparable years of experience in a managerial at-will position, the City Manager may authorize an experienced at-will management employee to accrue paid vacation at a higher rate than what applies to other newly-hired employees at the time the at-will management employee is hired or at the time of their performance evaluation via a Personnel Action Form (PAF). However, the rate of accrual for newly-hired at-will management employees shall not exceed what is provided to employees with one hundred twenty (120) or more months of continuous service.

### **4.2.2 Use of Vacation**

- a. Employees shall be eligible to use vacation as it is accrued.
- b. Employees shall request use of vacation a reasonable time in advance, preferably a minimum of seven (7) days, of the proposed use of the vacation. Same day requests are discouraged, and will be considered on a case-by-case basis, and in emergency situations.
- c. All requests for use of vacation must be approved by the employee's supervisor and the relevant Department Head.

- d. Upon termination, employees shall be compensated for accrued unused vacation at their then current pay rate.
- e. The City of Eastvale will not allow for accrual of vacation time in excess of 300 hours. Any and all time accrued beyond that will be paid out at the regular rate of pay. The City Manager reserves the right to allow overages in special circumstances.

#### **4.2.3 Vacation Buy-Back**

- a. Employees who have been employed with the City of Eastvale for a minimum of one (1) year may elect to buy-back accrued, but unused, vacation hours. An employee may request to buy-back a minimum of ten (10) hours, up to a maximum of forty (40) hours, not more than two (2) times in a calendar year. To purchase vacation hours, an employee must have a minimum remaining balance of forty (40) hours of vacation leave accrual after the purchase of said vacation hours. Further, an employee must have used a minimum of forty (40) hours of vacation or management leave within the calendar year. The employee will be compensated for such purchased vacation hours at the salary rate in effect for that employee at the time the hours are paid.
- b. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.
- c. Any employee who has been given a disciplinary action that results in a loss of pay shall be excluded from the use of this provision for sixty (60) calendar days from the date of the implementation of the disciplinary action.
- d. An employee desiring to exercise this option must make a written request to the City Manager for approval. All vacation buy back requests will be processed in the payroll cycle following the date the request was approved whenever possible, or the following payroll cycle.
- e. The City Manager reserves discretion to inactivate this provision based on the City's financial ability to pay.

### **SECTION 4.3 SICK LEAVE**

#### **4.3.1 Sick Leave Accruals**

- a. All regular full-time employees and full-time employees who are in their probation period will accrue sick time. Sick leave with pay shall accrue at the rate of 90 hours for each 12 months of the employee's active service, and any such leave accrued but unused in any year shall be accumulated for the employee to use in succeeding years up to a maximum accumulation of five (5) years or 450 hours. An employee who reaches the maximum accumulation shall cease accruing sick leave until his/her balance is under the maximum accumulation. Upon termination for any cause other than retirement, sick leave time is forfeited. If an employee retires from City service, sick time may be converted to years of

service as regulated by the California Public Employees' Retirement System (CalPERS). If sick time is not converted to years of service, it is forfeited.

- b. All regular part-time employees will accrue sick hours at ½ the rate, or 45 hours for each 12 months of the employee's active service, and any such leave accrued but unused in any year shall be accumulated for the employee to use in succeeding years up to a maximum accumulation of five (5) years or 225 hours. An employee who reaches the maximum accumulation shall cease accruing sick leave until his/her balance is under the maximum accumulation. Upon termination for any cause other than retirement, sick leave time is forfeited. If an employee retires from City service, sick time may be converted to years of service as regulated by the California Public Employees' Retirement System (CalPERS). If sick time is not converted to years of service, it is forfeited.
- c. All temporary part-time employees who work 30 or more days within a year shall receive 24 hours of sick leave in their sick leave bank immediately upon commencement of employment. Employees who qualify for sick leave under this section are entitled to use accrued sick days beginning on the 90th day of employment. Unused sick leave at the end of the calendar year may not be carried forward and sick leave may not be cashed out. Thereafter, at the beginning of each subsequent calendar year, the employee shall begin the year with 24 hours of leave time in their sick leave bank.

#### **4.3.2 Sick Leave Usage**

Sick leave shall be used for the following purposes. An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

- a. Illness or physical incapacity of employee or a member of the employee's immediate family. "Immediate family" is limited to any relative of blood or marriage who is a member of the employee's household, under the same roof; and any parent, grandparent, spouse, registered domestic partner, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee's, regardless of residence. Sick leave used for the purposes of providing care to a member of the employee's immediate family is limited to one-half (1/2) of the employee's annual sick leave allotment.
- b. Medical appointments.
- c. Enforced quarantine of the employee in accordance with community health regulations.

Sick leave may be used upon an employee's oral or written request. If the need for paid sick leave is foreseeable, an employee must provide "reasonable" advance notice. If not, the employee must provide notice to their supervisor "as soon as practicable" and/or within one-half (1/2) hour of the beginning of their work shift of each sick day, or prior to leaving the worksite when becoming ill during the work shift. Failure to provide notice in accordance with this policy may be cause for disciplinary action.

Eligibility of sick leave usage shall commence when accrued. Observed holidays occurring

during sick leave shall not be counted as days of sick leave.

Vacation leave may not be used in lieu of paid sick leave unless employee's sick leave accrual has been exhausted, and the employee receives approval from their supervisor.

The City Manager shall place employees on leave when, in the reasonable judgment of the supervisor and Department Head, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's essential duties. Unless the law provides otherwise, leave under these circumstances will be unpaid unless the employee elects to use available sick leave.

#### **4.3.3 Annual Sick Leave Buy-Back**

Employees may receive compensation for unused sick leave, per fiscal year as follows:

- a. An employee may choose to accumulate up to 450 hours with the understanding that all hours earned over 450 at the end of the calendar year must be sold by the employee to the City.
- b. Full-time employees must maintain a minimum forty-eight (48) hour base (after any request for the City to buy back sick leave); and will not have used more than forty-eight (48) hours of sick leave during the prior calendar year in order to be eligible for buy-back.
- c. An employee desiring to exercise this option must make a written request to the City Manager for approval during the first two weeks of January each calendar year.
- d. Compensation for unused accumulated sick leave will only be paid the second pay period in January of each year at the employee's current rate of pay, based on a buy-back rate of 50% for each hour that the City buys back. (e.g., 40 hours of sick leave sold back to the City will be cashed out at 20 hours.)
- e. Sick leave for which the employee receives compensation will be deducted from the employee's accumulated total.
- f. The City Manager reserves discretion to inactivate this provision based on the City's financial ability to pay.
- g. Terminating employees, including, but not limited to, resignation, retirement, layoff, "at-will" or probationary separation, are not eligible for buy-back at the time of separation.

#### **SECTION 4.4 FAMILY CARE AND MEDICAL LEAVE; PREGNANCY DISABILITY LEAVE/TRANSFER; MILITARY FAMILY LEAVE; NEW PARENT LEAVE**

The City provides employees with family care and medical leave, pregnancy disability leave/transfer, military family leave and new parent leave. Information about these leaves is set forth in a separate administrative policy.



#### **SECTION 4.5 CIVIL AIR PATROL LEAVE**

The City will provide employees with leave as required by the Civil Air Patrol Employment Protection Act. Employees who are also volunteer members of the Civil Air Patrol are annually entitled to up to 10 days of leave for Civil Air Patrol duty to respond to an emergency operation mission. The employee must have been a City employee for at least 90 days before the beginning of leave. Generally, leave for a single emergency cannot exceed 3 days. Leave is unpaid. Employees may use available vacation leave. The employee must provide written certification of the need for leave from the proper Civil Air Patrol.

#### **SECTION 4.6 CRIME VICTIMS' LEAVE**

Employees are allowed time off from work to attend judicial proceedings related to a violent felony, serious felony, or felony theft or felony embezzlement (as defined in Labor Code 230.2), if the employee, an immediate family member (which includes spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather) of the employee, registered domestic partner of the employee, or the child of a registered domestic partner is a crime victim. The employee can use available sick leave, compensatory time off, or vacation leave for crime victims' leave.

#### **SECTION 4.7 VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT**

Employees who are the victims of domestic violence or sexual assault can take time off to obtain relief, such as a temporary restraining order, a restraining order, or other court-ordered relief, to help ensure the safety of the victim or the victim's child. Employees can use available vacation time or compensatory time off for this type of leave.

Employees who are the victims of domestic violence or sexual assault may take up to 12 weeks of leave in a 12-month period to seek medical attention, to obtain the services of a domestic violence shelter or rape center, to obtain psychological counseling, or to participate in safety planning. Employees can use available sick leave, compensatory time off, or vacation time for this type of leave.

Unless not feasible, employees are expected to provide reasonable advanced notice of the need for leave and to supply documentation supporting the leave request.

#### **SECTION 4.8 MILITARY LEAVE**

**4.8.1 Military Leave for Employee.** Leaves of absence and re-employment resulting from service in the National Guard or U.S. Military Armed Forces, including reserve corps, will be in accordance with applicable state and federal laws, including but not limited to California Military and Veterans Code sections 389-399.5 and the federal Uniformed Services Employment and Reemployment Rights Act. A copy of the applicable, official orders for training or active duty should accompany an employee's request for a leave of absence.

In general, all such leaves of absence will be unpaid, unless pay is required by Military and Veterans Code section 395.01, which provides for pay for the first 30 days of a leave under certain circumstances. The City does not provide pay for leaves of absence due to inactive duty training. An employee may use his/her accrued, unused vacation benefits for all or part of an unpaid leave of absence to supplement his/her military pay so as to equal the amount of pay

that would have been received from the City during the leave of absence. Any portion of a leave that occurs after all available accrued vacation benefits have been used will be without pay.

If an employee fails to notify the City of his/her intent to return to work within the time period allowed by law, the employee will be considered to have resigned.

**4.8.2 Military Spouse Leave.** In accordance with Section 395.10 of the Military and Veteran's Code, military spouse leave lasts for up to 10 days. The qualified service member must be on leave from deployment during a period of military conflict.

Leave is unpaid, but the employee can use accrued but unused vacation, compensatory time off, and sick leave for this purpose.

To be eligible, the employee must be a spouse of a qualified service member, work an average of 20 hours a week, give the City notice within two (2) business days of receiving official notice that the service member will be on leave from deployment, and submit written documentation supporting the leave request. The service member must be a member of the United States Armed Forces, National Guard, or the Reserves.

#### **SECTION 4.9 ORGAN AND BONE MARROW DONATION LEAVE**

Organ donors are entitled to up to 30 business days of paid leave in a one (1) -year period. Bone marrow donors are entitled to five (5) business days of paid leave in a one (1) -year period. Group health insurance is maintained during the leave period.

For these types of leave, a year is measured as 12 consecutive months from the date leave begins. These leaves do not run concurrently with CFRA leave. Eligible employees are those employees who have been employed by the City for least a 90-day period before the leave begins.

Employees who take bone marrow donation leave must take up to five (5) days of accrued sick leave or vacation time. Employees who take organ donor leave may take up to two (2) weeks of accrued sick leave or vacation time.

#### **SECTION 4.10 SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE**

Employees are entitled to up to forty (40) hours per calendar year to find, enroll, or reenroll the child in school or with a licensed child care provider; to address a child care provider or school emergency; or to attend or to participate in school activities of a child, foster child, or grandchild. The child must be enrolled in kindergarten through 12<sup>th</sup> grade, or must be enrolled with a licensed child care provider. The amount of leave cannot exceed 40 hours in a calendar year. The City must receive reasonable advanced notice of the planned absence and provide the City with documentation of attendance or participation. Where both parents request leave for the same child's activity, the employee who asks first will be given the leave. To the extent permitted by law, employees must use available compensatory time off or vacation time. Otherwise, the leave is unpaid.

Employees are entitled to take unpaid leave time leave to appear at the employee's child's or ward's school in connection with a suspension from a class or school. Before the leave is taken, the employee must present a written statement from the school stating that the employee's

attendance is required.

#### **SECTION 4.11 VOLUNTEER FIREFIGHTERS, RESERVE PEACE OFFICERS, AND EMERGENCY RESCUE PERSONNEL LEAVE**

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. If an employee is an official volunteer firefighter, reserve peace officer, or emergency rescue personnel, the employee shall alert their supervisor about the potential to take time off for emergency duty. When taking time off for emergency duty, the employee is required to alert their supervisor **before** doing so when possible. Employees may use their accrued vacation leave, or take unpaid leave time.

#### **SECTION 4.12 VOTING LEAVE**

If an employee does not have sufficient time to vote outside of working hours, employees are entitled to up to two (2) hours of working time, without loss of pay, to vote in statewide elections. Unless otherwise mutually agreed upon, this time must be taken at the beginning or the end of the regular work shift, whichever allows the most free time to vote and is the least time off from working. The employee must advise the City two (2) working days in advance to arrange the voting time.

#### **SECTION 4.13 LEAVE OF ABSENCE WITHOUT PAY**

##### **4.13.1 Request for Leave.**

Upon the request of the employee, a leave of absence without pay may be granted by the City Manager to an employee.

- a. An employee shall not be entitled to a leave of absence as a matter of right, but only upon good and sufficient reason.
- b. Request for leave of absence without pay shall be made in writing to Talent Attraction and Development, and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return. Talent Attraction and Development will transmit the request to the City Manager. A physician's statement will be required of employees who request leave of absence without pay as a result of a medical condition. However, employees are not required to include information regarding diagnosis.
- c. A leave of absence without pay may be granted by the City Manager for a period not to exceed one year.
- d. An employee shall be entitled to reinstatement in his/her regular position upon completion of the authorized period of leave.

##### **4.13.2 Conditions of Leave.**

A leave of absence without pay granted by the City Manager shall not be construed as a break in continuous service or employment, and rights accrued at the time leave is granted shall be retained by the employee. A person granted such leave shall not accrue any paid leaves of

absence (vacation, sick leave), shall not receive increases in salary and other similar benefits, and shall not be eligible to receive cafeteria contributions and reimbursements during the period of absence, unless required by law. An employee reinstated after leave of absence without pay shall receive the same step in the salary range he/she received when he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each thirty (30) consecutive days taken.

#### **SECTION 4.14 JURY DUTY OR WITNESS APPEARANCE LEAVE**

Any regular full-time employee or regular part-time employee, who is required to serve as a juror or subpoenaed as a witness in any State or Federal court, or any administrative board or tribunal, shall be entitled to a leave of absence up to ten (10) working days with pay while performing services as a juror or a witness; provided that any such employee shall be required to pay over to the City any amount he/she receives for jury fees, exclusive of approved travel and subsistence.

#### **SECTION 4.15 MANAGEMENT LEAVE**

At-will management employees, as shown on the City's approved Salary Schedule, are authorized a maximum of eighty (80) hours of management leave (time off with pay) each calendar year. For new employees, management leave shall be provided on a pro-rata basis at the time of hire for the remaining months of the calendar year on a quarterly basis, and annually thereafter in January. The City Manager, as part of a job offer in special circumstances, may approve or front load up to 40 hours of management leave.

Management leave hours not used within the calendar year in which they are granted will rollover to the next calendar year, however, in that next calendar year the employee will only receive as much new management leave hours as needed to replenish his or her bank to eighty (80) hours. Management leave cannot be used within two weeks of separation from the organization.

#### **SECTION 4.16 BEREAVEMENT LEAVE**

When circumstances are such, and the City Manager determines that conditions warrant the use of bereavement leave, three (3) days of paid bereavement leave may be used per occurrence in the event of the death of a relative of blood or marriage who is a member of the employee's household, under the same roof, and any parent, grandparent, grandchild, spouse, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee, regardless of residence. With City Manager approval, accrued vacation may also be used for bereavement purposes for the same relatives for which bereavement leave may be used. Employees using bereavement leave may be required to submit proof of death such as an obituary announcement, as condition of approval.

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## CHAPTER 5 - EMPLOYEE CONDUCT, DISCIPLINE AND DISCIPLINARY APPEALS

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### **SECTION 5.1 GENERAL POLICY STATEMENT**

Employees in the classified service of the City may not be suspended, demoted, dismissed, or reduced in pay for disciplinary reasons, without just cause. For purposes of this chapter, “at-will” employees and temporary part-time employees are not within the classified service; they serve at the will of the City Manager and may be subject to dismissal without cause.

Discipline may be necessary when City policies are violated or City expectations are not met. The causes for disciplinary action against an employee may include, but are not limited to, the following:

### **SECTION 5.2 TYPES OF DISCIPLINARY ACTIONS**

While the City maintains a progressive disciplinary system, the City may impose discipline at any level that is appropriate for the employee’s action up to and including termination.

5.2.1 Verbal Reprimand. An employee may be verbally reprimanded about his/her inappropriate behavior. The supervisor shall make a brief notation regarding the date and substance of the verbal reprimand in the personnel file. If an employee’s conduct does not improve, reference to the verbal reprimand will be made in a subsequent written reprimand or performance evaluation. The procedures in Section 5.6 and 5.7 are inapplicable to verbal reprimands. Verbal reprimands are not subject to any employee appeal or grievance.

5.2.2 Written Reprimand. An employee may receive written notification indicating the City is dissatisfied with the employee’s services or conduct and that further disciplinary measures may be taken if the behavior is not corrected. The procedures in Section 5.6 and 5.7 are inapplicable to written reprimands. Written reprimands are not subject to any employee appeal or grievance.

5.2.3 Suspension. An employee may be suspended without pay for disciplinary reasons.

5.2.4 Disciplinary Reduction in Pay. An employee’s pay rate within their pay range and class may be reduced for disciplinary reasons.

5.2.5 Disciplinary Demotion. An employee may be demoted from a position in one class to a position in another class having a lower maximum pay rate for disciplinary reasons. The demotion may be permanent or temporary.

5.2.6 Dismissal. An employee may be dismissed from City service for disciplinary reasons.

### **SECTION 5.3 GROUNDS FOR DISCIPLINARY ACTION**

Discipline of non-probationary employees in the classified service will not be imposed except upon a showing of just cause, which may include, but shall not be limited to the following:

1. Fraud. To secure employment by providing false documents or knowingly make false statements or significant omissions, either orally or in writing, on a City employment application or in any supporting documents.

2. Incompetence. Failure to perform some or all of the job duties; unsatisfactory, inefficient, or careless work; the inability or refusal to improve work performance in accordance with written or verbal direction after a reasonable time period.
3. Neglect of Duty. Failure to perform one or more essential duties required of the employee's position; unauthorized sleeping while on duty; intentional, negligent or reckless behavior resulting in spoilage or waste of City property; sabotage of City property, equipment, vehicles or work product; failing to take reasonable action while on duty or when required by law.
4. Insubordination. Willful failure to conform to a supervisor's legitimate requests and directions; refusing to comply with reasonable work assignments made by a supervisor.
5. Alcohol or Drug Use. Any violation of the City's Drug- and Alcohol-Free Workplace Policy; being under the influence of alcohol or controlled substances while at work, while driving a City vehicle, or consuming, selling, possessing, or manufacturing same while on City premises or while engaged in City business. Possessing drug paraphernalia or open containers of alcoholic beverages while on duty, or off-duty in uniform or on City property or in City vehicles. "Being under the influence" is defined as having the presence of any detectable level of drugs in the body or blood alcohol greater than .02%.
6. Absence Without Leave. Being away from work during assigned duty hours without permission, excessive tardiness, failure to return from leave, and/or improper use of leave.
7. Discourteous Treatment of Others. Disparaging remarks that discredit a co-worker or disrupt or subvert the good order, efficiency and discipline of the City or any department thereof; engaging in gossip or rumor mongering or other behavior which creates discord and disharmony in the workplace; engaging in bullying behavior; general discourteous, uncooperative, or offensive treatment of employees, contractors, the public or others doing business with the City.
8. Conduct that is Unbecoming a City Employee. Conduct which tends to discredit the City, whether on duty, off-duty in uniform or on City property.
9. Improper or Unauthorized Use of City Property. Using City telephone, or computer equipment for personal use or gain; using City equipment or City vehicles for personal use or gain; unauthorized possession of, loss of, or damage to any City property; theft or removal of any City property; violating the California Vehicle Code while operating a City vehicle; operating City vehicles or equipment or privately-owned vehicles on City business without a current driver's license; involvement in preventable traffic accident while on duty.
10. Conflict of Interest/Employment/Activity/Enterprise. Outside employment, activity or enterprise not authorized by the City Manager.
11. Gifts. Acceptance of any gift or other form of remuneration, in addition to the employee's regular compensation, for the actions performed in the normal course

of the employee's assigned duties, in violation of applicable laws, regulations and/or policies.

12. Falsifying Records. Falsifying, modifying, or altering City reports or records, including timesheets, or making misleading entries or statements, or failing to disclose material facts, or destroying or mutilating any City record or other document.
13. Dishonesty. The lack of honesty, deceit, and willful misrepresentation of facts.
14. Unethical Behavior. Failure of any employee to report any activities on his/her part where such activities may result in criminal prosecution or result in discipline under this policy; failure of any employee to report official contacts by any law enforcement agency; concealing or attempting to conceal defective work; the exercise of authority for any improper purpose; making false, misleading or malicious statements to a supervisor or which harm or destroy the reputation, authority or official standing of a co-worker; using a badge, uniform, identification card or other City property for personal gain or other improper purpose; attempted or actual theft of City property or the property of others.
15. Discrimination and Harassment and/or Sexual Harassment. Discrimination or harassment in violation of the City's Policy Prohibiting Discrimination, Harassment, and Retaliation.
16. Safety. Violating safety rules; failing to wear required safety equipment; tampering with safety equipment; failing to report any on-the job or work-related accident or injury within 24 hours; failing to maintain good physical condition sufficient to safely perform work related duties; engaging in reckless behavior that endangers self or safety or that of a co-worker or member of the public; threatening violence, engaging in horseplay or righting, while on duty, or off-duty in uniform or on City property; unauthorized possession of a weapon, firearm or explosive while on duty, or off-duty in uniform or on City property, during working hours, or while acting in the capacity of a City employee; smoking/vaping/using e-cigarettes outside of designated smoking areas.
17. Security. Unauthorized access to confidential information or records; unauthorized release of confidential information or records; unauthorized access into secured City offices, City Buildings or both; providing unauthorized access into City offices or City buildings to third parties, whether co-workers or members of the public; negligently misplacing security access codes, keys, electronic keys or cards that provide access to secured City offices or City buildings; loitering on City property.
18. Convictions. The conviction of either a misdemeanor or a felony where the conviction has a nexus (as reasonably determined by the City in its sole discretion) with the employee's duties. The conviction shall be conclusive evidence of the misconduct having occurred for disciplinary purposes. A plea or verdict of guilty, or a conviction showing a plea of Nolo Contendere is deemed to be a conviction for disciplinary purposes.

19. Threats. Threatening, intimidating or coercing co-workers or members of the public while on duty, or while off-duty in uniform or on City property.
20. Interference. Interfering with investigations conducted by the City, its management or designated agents of the City.
21. Obscene Language. Obscene or abusive language toward a co-worker, a member of the public, or other person while on duty, or while off-duty in uniform or on City property.
22. Supervisor Obligations. Failure of a supervisor to ensure that subordinates comply with the written rules, regulations, policies and procedures of the City or any department thereof; failure of a supervisor to report misconduct of a subordinate to his/her supervisor or to document such misconduct; discriminatory treatment of subordinates.
23. Violation of Rules. Violation of the City's policies, ordinances, and resolutions, including the personnel policies and procedures and administrative orders.

#### **SECTION 5.4 DISCIPLINING AUTHORITY**

The employee's Department Head shall be the Disciplining Authority. For employees in the classified service who report directly to the City Manager, the City Manager shall be the Disciplining Authority. Any delegation of authority under this Section must be made in writing.

The Disciplining Authority may issue proposed discipline, may serve as the Skelly Officer, and may impose discipline. The Disciplining Authority may not serve also serve as the Appeal Officer.

#### **SECTION 5.5 MAJOR AND MINOR DISCIPLINE**

##### **5.5.1 Major Discipline.**

Major discipline is defined to include dismissal, suspension of five (5) or more days, reduction in pay, or involuntary demotion.

##### **5.5.2 Minor Discipline.**

Minor discipline is defined to include any suspension of four (4) days or less.

#### **SECTION 5.6 DISCIPLINARY PROCEDURES APPLICABLE TO MAJOR AND MINOR DISCIPLINE**

##### **5.6.1 Written Notice of Intent to Discipline ("Skelly Notice").**

When the Disciplining Authority determines that an employee has committed an act or omission that justifies major or minor discipline, the Disciplining Authority or his/her designee shall provide the employee with written notice of the proposed disciplinary action. Such notice shall include:



- a. A statement which clearly defines the intent to take action, the proposed action to be taken, and the proposed effective beginning and ending time of intended action.
- b. A statement of the specific grounds and particular facts upon which the proposed disciplinary action will be taken.
- c. A copy of all written materials, reports, or documents upon which the intended action is based.
- d. A statement that the employee will be afforded the right to respond to the Notice of Intent, either verbally, in writing, or both within five business days upon receipt of the intended disciplinary action, to the designated Skelly Officer.
- e. If personally delivered, the employee's signature on the Notice of Intent will acknowledge receipt of said notice by the employee. If the employee refuses to sign, it will be noted as such on the Notice of Intent. The signature documentation on the Notice of Intent will acknowledge that the employee received the Notice of Intent.

#### **5.6.2 Employee Response/Pre-Disciplinary ("Skelly") Conference.**

Within five business days after the employee has been served with the Notice of Intent, the employee will have the right to respond, verbally or in writing, at the employee's option, to the Skelly Officer. If, within the five business days response period, the employee does not provide a written or verbal response, the proposed action of the City will be considered conclusive and will take effect as set forth in the Notice of Intent. Prior to the expiration of the five business days, the response date may be adjusted by mutual agreement, but unreasonable delay will not be tolerated.

The employee's response will be fully considered before the City issues any final notice of disciplinary action.

Should the Skelly Officer determine that the employee's response warrants further investigation, the Skelly Officer may delay the implementation or modification of the proposed disciplinary action until such time as the further investigation is completed. In the event the investigation produces facts that warrant more severe disciplinary action than originally proposed, the Skelly Officer will re-implement the Written Notice of Intent to Discipline procedures, above.

#### **5.6.3 Written Notice of Final Disciplinary Action.**

The Skelly Officer has the authority, after considering the employee's response and additional investigation, if any, to modify, revoke, or impose the proposed disciplinary action.

- a. If the Skelly Officer decides to modify the proposed action, the Skelly Officer will notify the employee by either issuing a revised Notice of Intent (for more severe disciplinary action than originally proposed) or a Notice of Imposition (for less severe disciplinary action than originally proposed). The Notice of Imposition will also include the effective date of any disciplinary action issued. The decision of the Skelly Officer is final and shall be imposed.

- b. If the Skelly Officer decides to revoke the disciplinary action, the Skelly Officer will advise the employee in writing, and the original intent to impose disciplinary action will be discarded and no record made in the employee's personnel file. The decision of the Skelly Officer is final and shall be imposed.
- c. If the Skelly Officer decides to implement the discipline as originally proposed in the Notice of Intent, the Skelly Officer will notify the employee in writing by providing him/her with a Notice of Imposition. The Notice of Imposition will also include the effective date of any disciplinary action issued. The decision of the Skelly Officer is final and shall be imposed.

The employee will be advised in writing of any right of appeal.

The Notice of Imposition or other final decision of the Skelly Officer will be delivered to the employee in accordance with Section 5.11.

## **SECTION 5.7 APPEAL PROCEDURES**

### **5.7.1 Minor Discipline.**

There is no appeal for minor discipline.

### **5.7.2 Major Discipline.**

Any employee who has received a Notice of Decision imposing major discipline shall be entitled to request an evidentiary appeal of the imposition of discipline.

- a. Request for Appeal Hearing. An employee wishing to appeal any major discipline shall have ten (10) calendar days after receipt of the Notice of Imposition to submit a written and signed request for appeal hearing. The employee's request for appeal must be addressed to the City Manager and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All appeal hearings shall be conducted in private unless the employee requests a public hearing.
- b. Scheduling of Appeal Hearing. The City Manager shall schedule the appeal hearing within a reasonable time after the designation of an Appeal Officer, considering the availability of the Appeal Officer, the employee, and any witnesses.
- c. Appeal Officer.
  - i. When a person other than the City Manager was the Disciplining Authority, the City Manager may choose to act as the Appeal Officer and conduct the hearing himself/herself and make the final decision;
  - ii. When a person other than the City Manager was the Disciplining Authority, the City Manager may refer the hearing to an outside Appeal Officer, who will be selected by a method mutually agreed to by the employee and City Manager, to conduct the hearing and provide advisory

findings and recommendations to the City Manager, who will then make the final decision; or

- iii. The City Manager may refer the hearing to an outside Appeal Officer who will be selected by a method mutually agreed to by the employee and City Manager to conduct the hearing and make the final decision on the appeal. The City Manager shall delegate authority to an Appeal Officer in this manner whenever the City Manager was the Disciplining Authority or whenever the appealing employee demonstrates significant bias on the part of the City Manager that disqualifies him/her as a neutral reviewer of that appeal.
- d. Representation and Employee Appearance at Appeal Hearing. The employee is entitled to be represented by counsel or other representative at the appeal hearing. However, an employee who requests an appeal hearing must be present during the appeal hearing. Failure to be present shall constitute a waiver of the employee's right to an appeal. Waiver will not occur if the employee can demonstrate good cause for his/her failure to be present within three (3) working days from the date the employee fails to appear.
- e. Conduct of Appeal Hearing. The proceedings before the Appeal Officer shall be conducted as follows:
  - i. All parties shall have the following rights:
    - 1. To call and examine witnesses;
    - 2. To introduce exhibits;
    - 3. To cross examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;
    - 4. To impeach any witness regardless of which party first called him/her to testify;
    - 5. To rebut the evidence against them; and
    - 6. To present oral and written arguments
  - ii. The City shall have the burden of proof at the appeal hearing and shall be required to prove the charges against the employee by a preponderance of the evidence.
  - iii. The appeal hearing shall not be conducted in accordance with the technical rules relating to evidence and witnesses, but shall be conducted in a manner most conducive to the determination of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules

which might make improper admission of such evidence over objection in a court of law. The Appeal Officer's decision shall not be invalidated by any informality in the proceedings.

- iv. Hearsay evidence may be used for the purpose of explaining any direct evidence but shall not be sufficient in and of itself to support a finding, unless it would be admissible over objections in civil actions.
  - v. The Appeal Officer shall not take testimony from one (1) party outside the presence of the other.
  - vi. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
  - vii. Irrelevant evidence and unduly repetitious evidence shall be excluded.
  - viii. The Appeal Officer shall determine the relevancy, weight, and credibility of testimony and evidence.
  - ix. The Appeal Officer shall have the power to exclude any witnesses.
- f. Appeal Officer's Decision. Within thirty (30) days after the close of the hearing, a written statement of decision, containing findings of fact and conclusions of law, shall be issued by the Appeal Officer. The Appeal Officer shall have the authority to affirm, revoke, or reduce the Disciplinary Action imposed against the employee. The Appeal Officer may not provide for discipline more stringent than that imposed by the City. When the Appeal Officer presents an advisory opinion to the City Manager, the City Manager shall have an additional fifteen (15) days to consider the advisory opinion and any written objections to the advisory opinion filed by the parties before the City Manager must issue a final decision. The parties shall have seven (7) days from the date the advisory opinion is issued to file written objections with the City Manager.

The Appeal Officer's decision constitutes a final resolution of any Disciplinary Action and no further appeal shall be permitted within the City's administrative process. A copy of the Appeal Officer's decision shall be provided to the employee.

Notwithstanding the above, the Appeal Officer shall not have binding authority to add, modify, or subtract from the Personnel Policies and Procedures Manual, or any resolutions, ordinances, or policies adopted by the City. Further, the Appeal Officer shall not have the authority or power to render a binding decision that requires the City to expend additional funds, to hire additional personnel, to buy additional equipment or supplies, or to pay wages or benefits not specifically provided for in the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. The Appeal Officer shall not have the authority to require the City to perform any other action that would violate state or federal laws.

- g. Judicial Review. An employee may seek judicial review of the final decision by the Hearing Officer in accordance with Section 1094.5 of the California Code of

Civil Procedure by filing a petition for a writ of mandate. Section 1094.5 of the Code of Civil Procedure requires that the petition writ of mandate must be filed not later than the ninetieth (90th) day following the date on which the Hearing Officer's decision becomes final.

#### **SECTION 5.8 PROCEDURES GOVERNING NAME CLEARING HEARINGS**

An employee not in the classified service who is terminated under circumstances that might stigmatize his/her reputation, seriously impair his/her opportunity to earn a living, or that might seriously damage his/her standing or association in the community, may request a name clearing hearing to refute the charges and clear his/her name. If a hearing is requested, and the request is granted, the procedure in Section 5.6.2 shall be followed. The purpose of such a hearing is only to allow the employee an opportunity to clear his/her reputation.

#### **SECTION 5.9 PLACEMENT ON PAID ADMINISTRATIVE LEAVE PENDING DETERMINATION OF DISCIPLINARY ACTION**

An employee may be placed on an Administrative Leave with Pay to allow the City time to fully investigate the facts of an alleged violation, while the Disciplinary Action is in process, or when the City Manager determines that it is in the best interests of the City. The employee must be reasonably available by telephone during his/her normal working hours and able to report to the City within sixty (60) minutes if directed to do so. The employee may also be required to provide an email address that shall be used for written communications. When an employee is placed on Administrative Leave with Pay during this investigation, he/she shall not discuss the alleged violation or the Disciplinary Action with anyone, except a representative of his/her choice. Failure to remain reasonably reachable by telephone or to report to the City within sixty (60) minutes of being directed to do so will be a separate and independent ground for Disciplinary Action, unless the employee has requested and received authorization to use vacation, sick, or other leave time for the time in question. Where applicable, the employee shall also be informed that communicating with others, except a representative of his/her choice, about a pending investigation constitutes insubordination and is a separate and independent ground for discipline. This section is not intended to prevent the employee from communicating with his/her legal counsel.

#### **SECTION 5.10 TIME EXTENSIONS**

Any time limitations or requirements as set forth under this Chapter may be extended or changed by mutual written agreement of the parties.

#### **SECTION 5.11 DELIVERY OF NOTICES**

When notice is required under this Chapter, the notice shall be given to the affected employee either by delivery of the notice to the employee in person; or if the employee is not available for personal delivery, by sending by overnight delivery, or by placing the notice in the United States mail, first Class, postage paid, and by Certified Mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the City, in writing, of his/her current home address and of any change in such address, and the information so provided shall constitute the employee's "last known home address". Such personal delivery or mailing shall be presumed to provide actual notice to the employee.

**SECTION 5.12 DISCIPLINARY RECORDS**

Original copies of all written records pertaining to disciplinary actions shall be maintained in the employee's confidential personnel file.

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## **CHAPTER 6 - EMPLOYEE SAFETY**

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### **SECTION 6.1 DRUG- AND ALCOHOL-FREE WORKPLACE**

It is the policy of the City to maintain a workplace that is free from the effects of alcohol and drugs. The City's policy on a drug and alcohol-free workplace is set forth in a separate administrative policy.

### **SECTION 6.2 EMPLOYEE SAFETY**

#### **6.2.1 General Safety**

Employee safety is of utmost concern and each employee is expected to exercise safe work practices for his/her own benefit and the benefit and welfare of his/her co-workers. The City's Injury and Illness Prevention Program provides more specific information regarding workplace safety. Each employee is responsible for reviewing and complying with the Injury and Illness Prevention Program.

#### **6.2.2 Entering and Leaving the Premises**

At the time of hire, employees will be advised about the proper entrances and exits for employees, as well as unauthorized areas, if any. Employees should not be in City work areas except for their regularly scheduled or overtime shifts or attendance at a City authorized meeting. For insurance purposes, unescorted or unauthorized visitors in our facilities is prohibited. If an employee is expecting visitors, such as clients, customers or friends, the employee should notify his/her supervisor. Certain employees are authorized to arm and disarm the building alarms, and they will be given instruction on the alarms and codes. Employees are expected to abide by these rules at all times. Failure to do so will lead to disciplinary action.

#### **6.2.3 Security Checks – Packages/Parcels**

The City may exercise its right to inspect all packages and parcels entering and leaving our premises.

#### **6.2.4 Parking Lot**

Employees are encouraged to use the parking areas designated for our employees. Please keep in mind that the parking spaces adjacent to or in front of our building(s) are for customers and visitors only. Employees are reminded to lock their car every day and park within the specified areas.

Courtesy and common sense in the parking lot will help eliminate accidents, personal injuries, and damage to employee vehicles. **Remember that the area around all buildings, especially the City's administration building, has a great deal of pedestrian walking activity - please maintain a safe driving speed at all times.** If an employee should damage another car while parking or leaving, he/she must immediately report the incident, along with the license numbers of both vehicles and any other pertinent information he/she may have, to his/her supervisor.

The City cannot be and is not responsible for any loss, theft or damage to an employee's vehicle or any of its contents.

Refer to the City's Injury and Illness

#### 6.2.5 Security

Maintaining the security of City buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

- Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.
- Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.
- Note and promptly report suspicious circumstances or persons about the premises.

### **SECTION 6.3 REPORTING OF INJURY AND ACCIDENTS**

#### 6.3.1 Reporting Safety Issues

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to your supervisor as provided for in the Injury and Illness Prevention Policy. The Employee's Claim for Worker's Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred.

#### 6.3.2 What to Do If You Are Injured At Work

City employees are covered under the Workers' Compensation Laws of the State of California. These laws are intended to provide employees with medical care and treatment for injuries sustained in the course of their work. The Workers' Compensation Fund will also provide weekly benefits to those employees who are unable to work due to job-related illness or injury.

In order to be eligible for and receive benefits, the Workers' Compensation fund requires that certain steps be taken and certain documents be filed. In conjunction with their requirements, the City also has certain requirements that must be met in order for the employee to receive benefits.

The following steps must be followed in order for injured employees to be covered in a timely and efficient manner. The establishment of these steps constitutes the written policy of the City, and failure on the part of an injured employee to follow these steps may be cause for disciplinary action up to and including termination. Moreover, pursuant to law, an injured employee who fails to properly notify his/her employer of a work related injury may forfeit benefit entitlement.

- a. Every work related injury/illness, no matter how minor must be reported **immediately** to your supervisor. If unable to locate your supervisor, report to the Talent Attraction and Development representative.



- b. If the injury/illness is not an emergency, the supervisor will send the employee to Talent Attraction and Development. The Talent Attraction and Development representative will give the employee a form and direct the employee to the appropriate medical facility for an examination. All injured employees, unless it's an emergency, should report to this facility. If the injury/illness is an "emergency", please call 911 immediately or report to the nearest emergency facility.
- c. The Talent Attraction and Development representative will also give the employee a Worker's Compensation claim form (DWC 1 Form) within one working day of the report of a workplace injury or illness. The employee should return the form to the Talent Attraction and Development representative as promptly as possible. A completed copy of the form will be provided to the employee within one work day of receipt.
- d. If the injury occurs after hours or on a weekend, the employee must report the incident immediately to his/her supervisor and the Talent Attraction and Development representative on the first business day following the injury. **Do not hesitate to contact your supervisor before, during, or after normal business hours.**
- e. The Talent Attraction and Development representative is responsible for the processing of the required documents to the City's Workers' Compensation carrier.
- f. The City's Workers' Compensation carrier is: State Compensation Insurance Fund, P.O. Box 8192, Pleasanton, CA 94588.
- g. Supervisors are required to complete prescribed reporting forms whenever an employee is injured and/or placed on Workers' Compensation Leave.

### 6.3.3 Workers' Compensation Leave

Whenever an employee is compelled by direction of his/her physician to be absent from duty on account of such injury or disability, such employee shall be placed on Workers' Compensation Leave. The employee shall receive full compensation for the first three (3) calendar days following the day of injury. Thereafter, the employee may elect to apply pro-rated sick leave, vacation, or compensation time if sick leave is exhausted, to such absence to receive compensation therefore in an amount equal to the difference between the compensation to which he/she is entitled under the Workers' Compensation Act and his/her regular pay not to exceed the amount of accrued leave. An employee who is receiving workers' Compensation shall continue to accrue sick leave and vacation.

Workers' Compensation benefits begin with the fourth full consecutive calendar day of missed work; however, if the absence continues beyond fourteen (14) days, Workers' Compensation will then pay the applicable benefits for the first three (3) days of missed work. When this occurs, the employee will be docked for the first three (3) days the City previously paid the employee in an amount equal to the Workers' Compensation benefits received.

An employee who is on a Workers' Compensation leave of absence for more than thirty (30) days and who was covered by long-term disability insurance when the work-related injury or

illness occurred may be eligible for disability benefits. Compensation to which an employee is entitled from Workers' Compensation and Long-term disability shall not exceed an employee's regular pay.

## **SECTION 6.4 EMERGENCIES**

### **6.4.1 Emergency Operations Plan**

The City has a written Emergency Operations Plan that presents the designated actions the City and the employees must take to ensure employee safety from fire and other emergencies.

### **6.4.2 Fire Prevention**

City employees are expected to know the location of the fire extinguisher(s) in their work areas and to make sure they are kept clear at all times. Employees must notify their supervisor if an extinguisher is used or if the seal is broken. Keep in mind that extinguishers that are rated ABC can be used for paper, wood, or electrical fires. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source.

### **6.4.3 In Case of Fire**

Any employee who becomes aware of a fire should:

- Dial 911 or the local fire department.
- If possible, immediately contact your supervisor. Evacuate all employees and other persons from the area.
- If the fire is small and contained, locate the nearest fire extinguisher. This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.
- If the fire is out of control, leave the area immediately. No attempt should be made to fight the fire.
- When the fire department arrives, direct the crew to the fire. Do not re-enter the building until directed to do so by the fire department.

### **6.4.4 Emergency Evacuation**

If you are advised to evacuate the building, you should:

- Stop all work immediately.
- Contact outside emergency response agencies, if needed.
- Shut off all electrical equipment and machines, if possible.
- Walk to the nearest exit, including emergency exit doors.

- Exit quickly, but do not run. Do not stop for personal belongings.
- Proceed, in an orderly fashion, to a parking lot near the building. Be present and accounted for during roll call.
- Be alert to any person that may need assistance in the evacuation process.

Do not re-enter the building until instructed to do so.

In the event of a disaster, the Incident Commander and the County Emergency Operations Center (EOC) Representative are authorized to take such actions as may be necessary to facilitate recovery operations, including, but not limited to, deploying staff for damage assessment and emergency repair purposes; procuring materials, labor, and services required for damage control and emergency repairs; suspending water service pending determination of public health and safety requirements; and restoring water service when safe and appropriate.

## **SECTION 6.5 VEHICLE USAGE**

### **6.5.1 Policy**

It is the policy of the City of Eastvale to provide vehicles for business use. In instances where a City vehicle is not available, employees shall be reimbursed for using their private vehicles during the course of business as set forth below.

### **6.5.2 Driver's License**

Employees who drive City vehicles must possess a valid driver's license, provide proof of valid insurance, and be approved to operate such vehicles by Talent Attraction and Development. All employees shall participate in the California Department of Motor Vehicle "Pull Notice" program. Employees holding jobs designated as requiring driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. The driving requirements are specified in each job description. In addition, such employees must inform their supervisor(s) of any changes that may affect their ability to meet the standards of this policy. The City obtains, on a regular basis, motor vehicle records of all employees.

### **6.5.3 City Vehicles, Rentals, and Private Vehicles**

City vehicles will be assigned to those departments which have demonstrated a continuing need for them. Additional vehicles are maintained for use as needed. Employees traveling out of town on City business may also be authorized to use rental cars, subject to City Manager approval. Optional insurance on rental vehicles should not be obtained.

Employees who need transportation in the course of their normal work may be assigned a City vehicle for their use. All other employees needing transportation for City business may use vehicles assigned to the department or drawn from the motor pool. As a last alternative, when no City vehicles are available, employees may use their own vehicles for business purposes, provided evidence of insurance has been received and approved by the City and with the prior approval of the City Manager.

### **6.5.4 Responsibility for Vehicle and Tickets**

Employees who drive a vehicle on City business must exercise due diligence to drive safely and maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines as a result of their driving.

#### **6.5.5    Reimbursement for Expenses**

Employees driving on City business may claim reimbursement for parking fees and tolls actually incurred. Employees who use their personal vehicle for approved business purposes shall receive a mileage allowance equal to the internal revenue service standard mileage rate. This allowance is to compensate for the cost of gasoline, maintenance, and usage.

#### **6.5.6    Proof of Insurance**

Employees who drive their own personal vehicle for approved business purposes must, on an annual basis, provide Talent Attraction and Development with a certificate verifying that they have insurance coverage. Before any employee can obtain reimbursement, the employee must have the prior approval from his/her supervisor and have a current insurance certificate on file with Talent Attraction and Development.

#### **6.5.7    Safety While Driving**

Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which he employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

#### **6.5.8    Accidents and Theft**

Employees must report any accident, theft, or damage of any kind involving a City vehicle, or a personal vehicle used for City business, to Talent Attraction and Development and the City Manager, regardless of the extent of damage or lack of injuries. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.

#### **6.5.9    Pay**

Time spent by non-exempt employees in driving a City or personal vehicle on City business during normal working hours is considered hours worked. Time spent on the employee's normal commute to and from work is not considered hours worked.

#### **6.5.10   Disciplinary Action for Accidents**

Employees who drive City and personal vehicles on City business or carpooling are expected to maintain a good driving record. If an employee whose job requires driving as a condition of employment has a chargeable accident in a City vehicle, or personal vehicle while conducting City business, the employee is subject to disciplinary action. If an employee operates any City vehicle while physically or mentally impaired, the employee is subject to immediate suspension or termination. This prohibition includes, but is not limited to, instances where an employee is temporarily unable to operate a vehicle safely or legally due to illness, medication, or

intoxication.

#### 6.5.11 Tobacco/Smoking Policy

Employees shall not smoke, vape, use e-cigarettes, or use any form of tobacco in any City facility or vehicle while on duty, except during designated rest and meal breaks and only when in a designated “smoking” area. A violation of this policy shall result in disciplinary action.

### **SECTION 6.6 ANTI-VIOLENCE POLICY**

The City of Eastvale takes a proactive approach to violence and will tolerate neither violent behavior nor any behavior that is known to have a high correlation to violent behavior, such as bullying and threats of violence, in the workplace. The City encourages employees to report all incidents of violence in the workplace. Incidents of threats, harassment, and other aggressive behavior should be immediately reported to a City supervisor.

The City recognizes that individuals will experience difficulties related to their work, their relationships with co-workers, supervisors, managers, or members of the public. The City offers an Employee Assistance Program for all employees to receive support in handling any difficulties that may arise.

The City’s position is one of zero tolerance. Any acts that breach the policy will be investigated and appropriate action will be taken including discipline, up to and including termination.

#### 6.6.1 Definitions

- a. Violence: Any act that is committed with the result of physical or psychological harm to another individual. This also includes any act of destruction of property belonging to the City or its employees.
- b. Threat: A direct or implied expression of intent to inflict physical harm and/or actions that a reasonable person would perceive as a threat to physical safety or property. The following are some examples of behaviors that may be considered threats, taking into consideration the employee’s history along with the tone of voice, body language, and behavior of the employee when the threat was made and the context of the discussion:
  - Verbal threats, which include descriptions of what the violent person plans to do;
  - Threatening conduct, such as intimidating others, showing off or actually brandishing a weapon;
  - Bizarre statements or actions threatening physical harm, often stemming from a perceived work injustice;
  - Obsessions, such as nursing a grudge against a co-worker or supervisor; or
  - Jokes about physical acts of violence.

#### 6.6.2 Mandatory Report

When any employee becomes aware of a threat, implied or direct, to self or others, the employee shall immediately notify his/her supervisor or the Talent Attraction and Development representative, or City Manager, who shall notify the threatened employee and conduct an investigation.

#### 6.6.3 No-Weapons Policy

- a. Prohibition. The City prohibits all persons, except law enforcement, who enter City property (which includes all vehicles and all facilities under the control of or used by the City) from carrying a handgun, firearm, knife, or weapon of any kind onto the property, regardless of whether the person is licensed to carry the weapon or not. This includes the possession of such weapons in an employee's vehicle, locker, desk, etc.
- b. Scope. All City employees, are also prohibited from carrying a weapon while in the course and scope of performing their job for the City, whether they are on City property at the time or not and whether they are licensed to carry a weapon or not. Employees may not carry a weapon while performing any tasks on the City's behalf.
- c. Definition. This policy applies to all City employees, contract and temporary employees, visitors on City property, and customers and contractors on City property, regardless of whether they are licensed to carry a concealed weapon or not. The only exceptions to this policy are law enforcement.
- d. Mandatory Report. Prohibited weapons include any form of weapon or explosive restricted under local, State, or Federal regulation. This includes all firearms, illegal knives, or other weapons covered by the law. If any employee has questions about whether an item is covered by this policy, he/she should contact Talent Attraction and Development. Employees are responsible for making sure that any potentially covered item in their possession is not prohibited by this policy.

If any employee becomes aware of anyone violating this policy, he/she shall report it to his/her immediate supervisor or the Talent Attraction and Development representative, or City Manager immediately.

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## **CHAPTER 7 - SEPARATION FROM EMPLOYMENT**

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### **SECTION 7.1 RESIGNATION/RETIREMENT**

An employee wishing to resign is asked to submit a written notice ten (10) working days prior to leaving. The notice should include the reasons for resignation and the effective date. The last day of employment shall not fall on a paid holiday. Employees contemplating retirement should contact Talent Attraction and Development at least 90 days prior to their anticipated retirement date.

Employees no longer able to continue working due to illness or injury may be eligible for disability retirement under the laws, rules, and regulations governing CalPERS. Employees should immediately notify their supervisor and the Talent Attraction and Development Division if they can no longer continue to work due to illness or injury.

Prior to leaving, the City Manager, or designee, will arrange an exit interview to collect issued items, where the employee will be expected to return all City property, including keys to City facilities or work areas, uniforms, equipment and the City Employee Identification Card.

In the event of dismissal or layoff, the employee will be paid at the time of dismissal. For voluntary resignation, the employee's check will be issued at the last day of voluntary resignation.

Employees will be asked to review and sign a statement indicating receipt of their last paycheck which will include accrued comprehensive annual leave pay-off. Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork and other requirements of termination.

### **SECTION 7.2 LAYOFF**

#### **7.2.1 General Policy**

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off without disciplinary action and without the right of appeal. An employee who believes his/her layoff was pre-textual will be afforded with all due process required by law. The City Manager will determine the class and number of positions to be affected, the layoff date, and will notify the Department Head in writing of such reduction. Action under this Section may be taken for any of the following reasons:

- a. Lack of Work;
- b. Budgetary Reasons;
- c. Elimination of Programs; or
- d. Elimination of Services.

#### **7.2.2 Written Notice of Layoff**

At least 14 calendar days' written notice shall be given to any employee who is laid off. If less than 14 calendar days' notice is provided, the employee will be paid for the difference between the date of layoff and 14 calendar days.

#### **7.2.3 Order of Layoff**

In each class of positions, employees will be laid off according to employment status in the following order: temporary, part-time, probationary, and regular. Temporary, part-time, and probationary employees will be laid off according to the needs of the service as determined by the City Manager. In cases where there are two or more regular employees in the class from which the layoff is to be made, such employees will be laid off on the basis of the most recent performance evaluation, with the employee with the least satisfactory performance being laid off first. In cases where their most recent performance evaluations are equal, the employee with less seniority will be laid off first. For purposes of layoff, "seniority" is defined as total time employed by the City from the employee's date of hire to present.

#### **7.2.4 Vacancy and Demotion**

Except as otherwise provided, whenever there is a reduction in the work force, the City Manager may, but is not required to, first demote an employee identified for lay-off to a vacancy, if any, within the department in a lower class for which the employee is qualified. Secondly, employees may request to demote to a vacant position within the organization. An employee requesting a demotion must file a written request with the City Manager within five working days of receiving written notice of layoff, who will respond in writing to grant or deny the request. An employee who is offered a demotion has the right to refuse the demotion without losing his/her right to be placed on a reemployment list

#### **7.2.5 Recall List**

The name of every regular employee who is laid off, transferred, or demoted to a classification in the same department for longer than one (1) pay period due to a Reduction in Force, shall be placed on the Recall List maintained by Talent Attraction and Development.

Vacancies to be filled within a department shall be offered, first in order of performance, to individuals named on the Recall List who at the time of the Reduction in Force, held a position in the same job classification within the department as the vacancy to be filled. Individual names may be removed from the Recall List by the Talent Attraction and Development representative, for any of the following reasons:

- a. The expiration of one (1) year from the date of placement on the List.
- b. Reemployment with the City in a regular full-time position in a department other than that from which the employee was laid off.
- c. Failure to respond within fourteen (14) calendar days of mailing of a certified letter regarding availability for employment.
- d. Failure to report to work within fourteen (14) calendar days of mailing of a certified letter containing a notice of reinstatement to a position absent mitigating circumstances.



- e. Request in writing to the City Manager to be removed from the List.

#### **7.2.6 Status on Re-employment**

A regular employee who has been laid off or terminated in lieu of reassignment and is reemployed in a regular position within two (2) years from the date of his/her layoff or termination shall be entitled to:

- a. Restoration of seniority accrued prior to and during layoff.
- b. Credit for all service prior to layoff for the purpose of determining the rate of accrual of vacation leave.
- c. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.

### **SECTION 7.3 ABANDONMENT OF EMPLOYMENT**

#### **7.3.1 Determination and Notification**

When an employee has been absent without authorization from work for more than three workdays, and in the opinion of the Department Head the employee has abandoned his/her position, the Department Head shall notify the City Manager. The City Manager, or designee, shall notify the employee that the City has determined he/she has abandoned his/her position and that the employee has four working days upon receipt of the notice to contact the City regarding his/her intent to return to work. The notice shall also advise the employee that failure to contact the City within the four-day period shall be deemed an automatic resignation effective on the eighth day. Such notice shall be in writing and sent by certified mail or personal service to the last address listed in the employee's personnel records. If the City is unable to secure delivery to the employee by certified mail or personal service, the City shall make a record of its attempts to deliver the notice to the employee and shall send the notice via regular U.S. mail, via overnight delivery, and/or via personal email address that has been provide to the City.

#### **7.3.2 Employee's Response**

Where an employee fails to respond within four working days to the notice of abandonment of position, the employee may be considered to have abandoned his/her position of employment with the City. Abandonment of position shall constitute an automatic resignation from the City service.

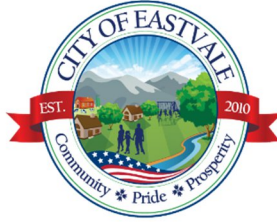
If the employee contacts the City within the four-day period, the employee may still be subject to disciplinary action.

#### **7.3.3 Circumstances When Abandonment Occurs**

Abandonment of position may include, but is not limited to:

- a. Where an employee fails to return to his/her employment upon conclusion of any authorized leave of absence;

- b. Where an employee fails to properly notify by telephone, verbally, or in writing his/her immediate Supervisor of absence due to sickness or injury, except as otherwise required by law;
- c. Where an employee fails to appear for work without notification or express agreement between the Supervisor and the employee as to the use of any leave time set forth under the City's personnel policies, except as otherwise required by law;
- d. Where an employee fails to keep his/her immediate Supervisor reasonably apprised of disability status.



## **OPTIONAL COMPLAINT FORM FOR REPORTS OF HARASSMENT, DISCRIMINATION AND RETALIATION**

It is the City of Eastvale's policy to investigate fairly, timely and thoroughly all complaints of harassment, discrimination, and retaliation and to take appropriate action. If you wish, use this form to document your complaint, and submit it to Talent Attraction and Development or to the City Manager.

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

The person(s) involved in the complaint are:

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The events involved in the complaint include (please include all relevant dates; attach additional sheets if necessary):

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It may become necessary to disclose your identity and/or complaint, as well as to conduct a formal investigation. Should such disclosure become necessary, it will be only to persons who have a need to know your identity or the details and nature of the complaint. Confidentiality will be preserved to the best extent possible.

If you have any questions regarding how to file a complaint, please contact Talent Attraction and Development or the City Manager for assistance.



City of Eastvale Talent Attraction and Development Department  
REQUEST TO ENGAGE IN OUTSIDE EMPLOYMENT

Name \_\_\_\_\_ Job Title \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_ Division \_\_\_\_\_

Secondary Employer Information

Outside Employer's Name \_\_\_\_\_ Outside Employer's Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Outside Employer's Worker's Comp. \_\_\_\_\_ Certificate No. \_\_\_\_\_ Expiration Date \_\_\_\_\_  
Insurance Carrier \_\_\_\_\_

A COPY OF THE CERTIFICATE OF INSURANCE MUST BE ATTACHED TO THIS FORM

Self-Employment Information

Name of Business \_\_\_\_\_ Address of Business \_\_\_\_\_ Business Telephone No. \_\_\_\_\_

Business Tax License No. \_\_\_\_\_ Date of Issuance \_\_\_\_\_

Type of outside employment and description of duties:

THIS PORTION SHOULD BE FILLED OUT WHETHER YOU ARE SELF-EMPLOYED OR EMPLOYED BY SOMEONE ELSE

Number of hours per week \_\_\_\_\_ Duration of job \_\_\_\_\_ Weeks \_\_\_\_\_ Months \_\_\_\_\_

I hereby request permission to engage in outside employment during my off-duty hours or vacation time. In requesting this permission, I understand and agree to the following conditions:

1. That my outside employment will not interfere with my regular City job and that I will respond immediately if recalled to duty with the City.
2. That the nature of my outside employment is such that there will be no conflict of interest with my City employment.
3. That the City of Eastvale will not be subject to claim or be held liable for any damages, injuries, or illnesses incurred through my outside job.
4. That this permission may be revoked at any time and will be automatically revoked upon a significant change in hours or duties or upon termination of my employment with the above employer and that I will notify the City if such should occur.

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Employee's Signature

Printed Name

Date

APPROVALS:

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Department Head/Date

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Talent Attraction and Development

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City Manager/Date

THIS FORM WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE PORTIONS ARE COMPLETED

2-26-17